

# TSD File Inventory Index

Date: January 22, 2002

Initial: CMK/urao

Facility Name: <u>Union Scrap Iron &amp; Metal Company (Two Folded Site)</u>	
Facility Identification Number: <u>UND 980 501 647</u>	
<b>A.1 General Correspondence</b>	<b>B.2 Permit Docket (B.1.2)</b>
<b>A.2 Part A / Interim Status</b>	.1 Correspondence
.1 Correspondence	.2 All Other Permitting Documents (Not Part of the ARA)
.2 Notification and Acknowledgment	<b>C.1 Compliance - (Inspection Reports)</b>
.3 Part A Application and Amendments	<b>C.2 Compliance/Enforcement</b>
.4 Financial Insurance (Sudden, Non Sudden)	.1 Land Disposal Restriction Notifications
.5 Change Under Interim Status Requests	.2 Import/Export Notifications
.6 Annual and Biennial Reports	<b>C.3 FOIA Exemptions - Non-Releasable Documents</b> <u>dn3</u>
<b>A.3 Groundwater Monitoring</b>	<b>D.1 Corrective Action/Facility Assessment</b>
.1 Correspondence	.1 RFA Correspondence
.2 Reports	.2 Background Reports, Supporting Docs and Studies
<b>A.4 Closure/Post Closure</b>	.3 State Prelim. Investigation Memos
.1 Correspondence	.4 RFA Reports
.2 Closure/Post Closure Plans, Certificates, etc	<b>D. 2 Corrective Action/Facility Investigation</b>
<b>A.5 Ambient Air Monitoring</b>	.1 RFI Correspondence
.1 Correspondence	.2 RFI Workplan
.2 Reports	.3 RFI Program Reports and Oversight
<b>B.1 Administrative Record</b>	.4 RFI Draft /Final Report

Total - 2

.5 RFI QAPP		.7 Lab data, Soil Sampling/Groundwater	
.6 RFI QAPP Correspondence		.8 Progress Reports	
.7 Lab Data, Soil-Sampling/Groundwater		<b>D.5 Corrective Action/Enforcement</b>	
.8 RFI Progress Reports		.1 Administrative Record 3008(h) Order	
.9 Interim Measures Correspondence		.2 Other Non-AR Documents	
.10 Interim Measures Workplan and Reports		<b>D.6 Environmental Indicator Determinations</b>	
<b>D.3 Corrective Action/Remediation Study</b>		.1 Forms/Checklists	
.1 CMS Correspondence		<b>E. Boilers and Industrial Furnaces (BIF)</b>	
.2 Interim Measures		.1 Correspondence	
.3 CMS Workplan		.2 Reports	
.4 CMS Draft/Final Report		<b>F Imagery/Special Studies</b> (Videos, photos, disks, maps, blueprints, drawings, and other special materials.)	
.5 Stabilization		<b>G.1 Risk Assessment</b>	
.6 CMS Progress Reports		.1 Human/Ecological Assessment	
.7 Lab Data, Soil-Sampling/Groundwater		.2 Compliance and Enforcement	
<b>D.4 Corrective Action Remediation Implementation</b>		.3 Enforcement Confidential	
.1 CMI Correspondence		.4 Ecological - Administrative Record	
.2 CMI Workplan		.5 Permitting	
.3 CMI Program Reports and Oversight		.6 Corrective Action Remediation Study	
.4 CMI Draft/Final Reports		.7 Corrective Action/Remediation Implementation	
.5 CMI QAPP		.8 Endangered Species Act	
.6 CMI Correspondence		.9 Environmental Justice	

Note: Transmittal Letter to Be Included with Reports.

Comments: *Documents do not justify individual folder per schedule C-3  
Enforcement Confidential are in separate folder*

**A.2 Part A/  
Interim Status**



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION V

111 West Jackson Blvd.  
CHICAGO, ILLINOIS 60604

REPLY TO ATTENTION OF:

5HW-TUB

JAN 03 1983

Sol H. Rosen, President  
Union Scrap Iron & Metal Company  
210 Fifteenth Avenue No.  
Minneapolis, Minnesota 55411

RE: MNT280010265  
Union Scrap Iron & Metal Co.  
1608 Washington Ave. North  
Minneapolis, Minnesota

Dear Mr. Rosen:

This is in response to your letter of November 15, 1982 requesting withdrawal of your hazardous waste facility permit application.

You have stated in your letter that the hazardous waste pile at your facility consists of chips (from rubber battery cases) which are EP toxic. You have further stated that the material is acceptable to the Minnesota Department of Transportation for reuse as a substitute for aggregate in roadway base course asphalt contingent, however, upon the successful negotiation of an agreement with the Minnesota Pollution Control Agency (MPCA).

According to 40 CFR 261.6(a), hazardous wastes which are deemed hazardous solely by virtue of exhibiting one or more of the characteristics of hazardous waste are excluded from RCRA Part 261 Subpart C control when beneficially used, re-used, recycled or reclaimed. Thus, the chips used as a substitute for aggregate in roadway base course asphalt would not be subject to RCRA requirements at the present time. U.S. EPA is, however, concerned with the re-use of hazardous waste where the manner of re-use is virtually the equivalent of unsupervised land disposal. In view of these concerns, the Agency will shortly propose to amend the current definition of solid waste to better regulate those use, re-use, recycling and reclamation activities which the Agency believes pose environmental or human health concerns. However, prior to promulgation of this proposal, such re-use of hazardous wastes is exempt from RCRA control.

We have been in contact with Mr. Bruce Wilson of the MPCA regarding the status of the agreement and find that the agreement still awaits your signature. Until the agreement is signed and effective we cannot act on your request for withdrawal of the permit application and, accordingly, we continue to hold you responsible for submittal of Part B of the hazardous waste permit application. However, we hereby extend the due date for submittal of the Part B from November 30, 1982, to March 1, 1983, in order to allow you the additional time needed to reach an agreement with the MPCA.

Should you reach an agreement with the MPCA, before March 1, 1983, please forward a copy of the signed stipulation along with evidence that the Minnesota Department of Transportation has also agreed to the stated use of the rubber chips. At that time we will further evaluate your claimed exemption from hazardous waste permitting requirements.

Please contact me at (312) 886-4158 if you have any further questions.

Sincerely yours,



Kenneth Skahn  
Minnesota State Implementation Officer

cc: James Warner, MPCA  
Bruce Wilson, MPCA



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION V  
111 West Jackson Blvd.  
CHICAGO, ILLINOIS 60604

*file*  
REPLY TO ATTENTION OF:  
RCRA ACTIVITIES

DEC 9 1982

ROSEN RICK GEN MGR  
UNION SCRAP IRON & METAL COMPANY  
10-15TH AVE NORTH  
MINNEAPOLIS MN 55411  
FACILITY: 1608 WASHINGTON AVENUE  
LOCATION: MINNEAPOLIS MN 55411  
ID NO.: MNT280010265

Dear Applicant:

RE: U.S. EPA Identification Number Change

This is to inform you that the United States Environmental Protection Agency (U.S. EPA) will be changing your temporary (T) identification number to a permanent (D) one. The label below shows your current temporary number as "OLD T NO." and the new permanent number as "NEW D NO."

OLD I.D. NO.: MNT280010265

NEW I.D. NO.: MND980501647

In order to provide your facility with adequate time to convert to the permanent U.S. EPA identification number, we will make the change in our computer system effective January 1, 1983. This will allow you to use your temporary identification number until the end of the calendar year and, thus, cover all 1982 hazardous waste handled under one number for your annual report.

We have coordinated the identification number change with your State hazardous waste management office. The State has a listing of your old and new numbers.

Please contact Mr. Arthur Kawatachi of my staff at (312) 886-7449, if you have any questions regarding this matter.

Sincerely yours,

Karl J. Klepitsch, Jr., Chief  
Waste Management Branch

cc: Facility owner



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION V

111 West Jackson Blvd.  
CHICAGO, ILLINOIS 60604

REPLY TO ATTENTION OF:  
RCRA ACTIVITIES

29 JUN 1982

Mr. Rich Rosen  
Union Scrap Iron & Metal  
210 15th Avenue  
Minneapolis, Minnesota 55411

RE: MNT280010265  
Union Scrap Iron & Metal  
1608 Washington Ave., N.  
Minneapolis, Minnesota


Dear Mr. Rosen:

To facilitate the processing of hazardous waste permit applications, we are making two additional requirements concerning the format of these applications:

1. Please uniquely number each page of the application including all attachments (maps, specifications, etc.)
2. If you claim parts of your application as confidential, please provide us with a public information copy of the application. The public information copy must be identical to the full application with the exclusion of the confidential information.

If you have any questions, please call the person indicated in the Part B request letter. Thank you for your cooperation.

Sincerely yours,

  
Karl J. Klepitsch, Jr., Chief  
Waste Management Branch

FILE



FEB 22 1982

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION V  
230 SOUTH DEARBORN ST.  
CHICAGO, ILLINOIS 60604

REPLY TO ATTENTION OF:

RCRA ACTIVITIES

Mr. Rick Rosen, General Manager  
Union Scrap Iron & Metal Company  
210 15th Avenue North  
Minneapolis, Minnesota 55411

RE: Interim Status Acknowledgement      USEPA ID No. MNT280010265  
FACILITY NAME: Union Scrap Iron & Metal Company

Dear Mr. Rosen:

This is to acknowledge that the U.S. Environmental Protection Agency (USEPA) has completed processing your Part A Hazardous Waste Permit Application. It is the opinion of this office that the information submitted is complete and that you, as an owner or operator of a hazardous waste management facility, have met the requirements of Section 3005(e) of the Resource Conservation and Recovery Act (RCRA) for Interim Status. However, should USEPA obtain information which indicates that your application was incomplete or inaccurate, you may be requested to provide further documentation of your claim for Interim Status. Our opinion will be reevaluated on the basis of this information.

As an owner or operator of a hazardous waste management facility, you are required to comply with the interim status standards as prescribed in 40 CFR Parts 122 and 265, or with State rules and regulations in those States which have been authorized under Section 3006 of RCRA. In addition, you are reminded that operating under interim status does not relieve you from the need to comply with all applicable State and local requirements.

The printout enclosed with this letter identifies the limit(s) of the process design capacities your facility may use during the interim status period. This information was obtained from your Part A Permit application. If you wish to handle new wastes, to change processes, to increase the design capacity of existing processes, or to change ownership or operational control of the facility, you may do so only as provided in 40 CFR Sections 122.22 and 122.23.

As stated in the first paragraph of this letter, you have met the requirements of 40 CFR Part 122.23; your facility may operate under interim status until such time as a permit is issued or denied. This will be preceded by a request from this office or the State (if authorized) for Part B of your application. Please contact Arthur Kawatachi of my staff at (312) 886-7449, if you have any questions concerning this letter or the enclosure.

Sincerely yours,

  
Karl J. Klepitsch, Jr., Chief  
Waste Management Branch

Enclosure

KJB  
2/19  
DSB  
2/19

## FACILITY NAME

UNION SCRAP IRON &amp; METAL COMPANY

## EPA ID NUMBER

MNT280010265

## FACILITY OPERATOR

UNION SCRAP IRON &amp; METAL CO.

## FACILITY OWNER

UNION SCRAP IRON &amp; METAL CO.

## FACILITY LOCATION

1608 WASHINGTON AVENUE NORTH  
MINNEAPOLIS MN 55411

## PROCESS CODE

T01  
S03

## DESIGN CAPACITY

9999999999.99900  
100000.00000

## UNIT OF MEASURE

U  
Y

*****KEY*****				
PROCESS	PRO- CESS CODE	APPROPRIATE UNITS OF MEASURE	* * UNIT OF * MEASURE	CODE
STORAGE:				
CONTAINER	S01	G OR L	* GALLONS	G
TANK	S02	G OR L	* LITERS	L
WASTE PILE	S03	Y OR C	* CUBIC YARDS	Y
SURFACE IMPOUNDMENT	S04	G OR L	* CUBIC METERS	C
DISPOSAL:			* GALLONS PER DAY	U
			* LITERS PER DAY	V
			* TONS PER HOUR	D
			* METRIC TONS\HOUR	W
INJECTION WELL	D79	G,L,U, OR V	* GALLONS\HOUR	E
LANDFILL	D80	A OR F	* LITERS\HOUR	H
LAND APPLICATION	D81	B OR Q	* ACRE-Feet	A
OCEAN DISPOSAL	D82	U OR V	* HECTARE-METER	F
SURFACE IMPOUNDMENT	D83	G OR L	* ACRES	B
TREATMENT:			* HECTARES	Q
			* POUNDS\HOUR	J
TANK	T01	U OR V	* KILOGRAMS\HOUR	R
SURFACE IMPOUNDMENT	T02	U OR V	* TONS PER DAY	N
INCINERATOR	T03	D,W,E, OR H	* METRIC TONS\DAY	S
OTHER	T04	J,R,N,S,U,V	*	



ACKNOWLEDGEMENT OF NOTIFICATION  
OF HAZARDOUS WASTE ACTIVITY  
(VERIFICATION)

This is to acknowledge that you have filed a Notification of Hazardous Waste Activity for the installation located at the address shown in the box below to comply with Section 3010 of the Resource Conservation and Recovery Act (RCRA). Your EPA Identification Number for that installation appears in the box below. The EPA Identification Number must be included on all shipping manifests for transporting hazardous wastes; on all Annual Reports that generators of hazardous waste, and owners and operators of hazardous waste treatment, storage and disposal facilities must file with EPA; on all applications for a Federal Hazardous Waste Permit; and other hazardous waste management reports and documents required under Subtitle C of RCRA.

EPA I.D. NUMBER

MNT280010265

REACKNOWLEDGEMENT

UNION SCRAP IRON & METAL COMPANY  
210 15TH AVENUE NORTH  
MINNEAPOLIS MN 55411

INSTALLATION ADDRESS

1608 WASHINGTON AVENUE NORTH  
MINNEAPOLIS MN 55411

U.S. ENVIRONMENTAL PROTECTION AGENCY  
NOTIFICATION OF HAZARDOUS WASTE ACTIVITY

**INSTRUCTIONS:** If you received a preprinted label, affix it in the space at left. If any of the information on the label is incorrect, draw a line through it and supply the correct information in the appropriate section below. If the label is complete and correct, leave Items I, II, and III below blank. If you did not receive a preprinted label, complete all items. "Installation" means a single site where hazardous waste is generated, treated, stored and/or disposed of, or a transporter's principal place of business. Please refer to the INSTRUCTIONS FOR FILING NOTIFICATION before completing this form. The information requested herein is required by law (Section 3010 of the Resource Conservation and Recovery Act).

PLEASE PLACE LABEL IN THIS SPACE

US/M 00  
1672

## FOR OFFICIAL USE ONLY

## COMMENTS

INSTALLATION'S EPA I.D. NUMBER										APPROVED		DATE RECEIVED (yr., mo., & day)									
F	M	N	T	2	8	0	0	1	0	2	6	5	2	1	A	8	0	0	8	1	8

## I. NAME OF INSTALLATION

Union Scrap Iron &amp; Metal Company

## II. INSTALLATION MAILING ADDRESS

## STREET OR P.O. BOX

3210 15th Avenue North

## CITY OR TOWN

Minneapolis

## ST.

## ZIP CODE

Mn 55411

## III. LOCATION OF INSTALLATION

## STREET OR ROUTE NUMBER

51608 Washington Avenue North

## CITY OR TOWN

Minneapolis

## ST.

## ZIP CODE

Mn 55411

## IV. INSTALLATION CONTACT

## NAME AND TITLE (last, first, &amp; job title)

Rosen, Rick General Manager

## PHONE NO. (area code &amp; no.)

612-522-4471

## V. OWNERSHIP

## A. NAME OF INSTALLATION'S LEGAL OWNER

Union Scrap Iron &amp; Metal Company

## B. TYPE OF OWNERSHIP (enter the appropriate letter into box)

F = FEDERAL  
M = NON-FEDERAL

M

## VI. TYPE OF HAZARDOUS WASTE ACTIVITY (enter "X" in the appropriate box(es))

☒ A. GENERATION☒ B. TRANSPORTATION (complete item VII)☒ C. TREAT/STORE/DISPOSE☐ D. UNDERGROUND INJECTION

## VII. MODE OF TRANSPORTATION (transporters only - enter "X" in the appropriate box(es))

☐ A. AIR☒ B. RAIL☒ C. HIGHWAY☒ D. WATER☐ E. OTHER (specify):

## VIII. FIRST OR SUBSEQUENT NOTIFICATION

Mark "X" in the appropriate box to indicate whether this is your installation's first notification of hazardous waste activity or a subsequent notification. If this is not your first notification, enter your Installation's EPA I.D. Number in the space provided below.

☒ A. FIRST NOTIFICATION☐ B. SUBSEQUENT NOTIFICATION (complete item C)

## C. INSTALLATION'S EPA I.D. NO.

MNT280010265

## IX. DESCRIPTION OF HAZARDOUS WASTES

Please go to the reverse of this form and provide the requested information.

I.D. - FOR OFFICIAL USE ONLY

S	W	M	U	T	2	8	0	0	1	0	2	6	5	2	1
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16

**IX. DESCRIPTION OF HAZARDOUS WASTES** (continued from front)

**A. HAZARDOUS WASTES FROM NON-SPECIFIC SOURCES.** Enter the four-digit number from 40 CFR Part 261.31 for each listed hazardous waste from non-specific sources your installation handles. Use additional sheets if necessary.

1	2	3	4	5	6
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26
7	8	9	10	11	12
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26

**B. HAZARDOUS WASTES FROM SPECIFIC SOURCES.** Enter the four-digit number from 40 CFR Part 261.32 for each listed hazardous waste from specific industrial sources your installation handles. Use additional sheets if necessary.

13	14	15	16	17	18
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26
19	20	21	22	23	24
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26
25	26	27	28	29	30
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26

**C. COMMERCIAL CHEMICAL PRODUCT HAZARDOUS WASTES.** Enter the four-digit number from 40 CFR Part 261.33 for each chemical substance your installation handles which may be a hazardous waste. Use additional sheets if necessary.

31	32	33	34	35	36
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26
37	38	39	40	41	42
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26
43	44	45	46	47	48
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26

**D. LISTED INFECTIOUS WASTES.** Enter the four-digit number from 40 CFR Part 261.34 for each listed hazardous waste from hospitals, veterinary hospitals, medical and research laboratories your installation handles. Use additional sheets if necessary.

49	50	51	52	53	54
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26

**E. CHARACTERISTICS OF NON-LISTED HAZARDOUS WASTES.** Mark "X" in the boxes corresponding to the characteristics of non-listed hazardous wastes your installation handles. (See 40 CFR Parts 261.21 - 261.24.)

☐ 1. IGNITABLE  
(D001)

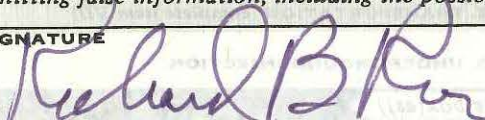
☒ 2. CORROSIVE  
(D002)

☐ 3. REACTIVE  
(D003)

☒ 4. TOXIC  
(D000)
**X. CERTIFICATION**

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

SIGNATURE



NAME &amp; OFFICIAL TITLE (type or print)

 Richard B. Rosen  
General Manager

DATE SIGNED

8-1-80

EPA Form 8700-12 (6-80) REVERSE

*Bill Miner*

# UNION SCRAP IRON & METAL CO.

IRON AND  
STEEL SCRAP



NON-FERROUS  
SCRAP METALS

210 FIFTEENTH AVE. NO.  
MINNEAPOLIS, MINNESOTA 55411

TELEPHONE: 522-4471

November 15, 1982

Mr. Karl J. Klepitsch, Jr.  
Chief, Waste Management Branch  
United States Environmental  
Protection Agency, Region V  
RCRA Activities  
111 West Jackson Boulevard  
Chicago, Illinois 60604

Re: Part A Application - Non-hazardous waste  
Union Scrap Iron & Metal Company  
USEPA ID No. MNT 280010265 *G.T. TSOPA, I*

Dear Mr. Klepitsch:

The purpose of this letter is to bring you up to date as to the status of the above mentioned plant regarding EPA hazardous waste activities. A Notification of Hazardous Waste Activity Form was filed August 1, 1980. General Information Form 1 and Permit Application Form 3 were filed November 5, 1980. On May 28, 1982, USEPA sent by registered mail a letter requesting submission of our Part B application by November 28, 1982.

When we originally filed our application we indicated that we had a pile of waste which was EP Toxic due to lead content. The material in question is chips from rubber battery cases.

We were holding that material for recycling and resale, and it is now being used as a component material for road construction. It is suitable for use as a substitute for aggregate in the base course asphalt. By blending it in with asphalt, we limit lead leaching. A blend of 10% maximum results in material that will not only pass EP and water leachate tests, but also maintains satisfactory properties for the bituminous mixture.

After this base layer is installed, another four inches of asphalt without rubber chips is installed over the base layer. This prevents surface water infiltration. Highway/road design necessarily includes water drainage systems which would eliminate any ponding of water. In actual usage, the large highway jobs we are going to use will provide the opportunity to further reduce the blend percentage of scrap rubber below 10%.

RECEIVED  
11/24/82

RECEIVED  
NOV 18 1982  
EPA REGION V  
WASTE MANAGEMENT  
BRANCH

2. Mr. Karl J. Klepitsch, Jr., November 15, 1982

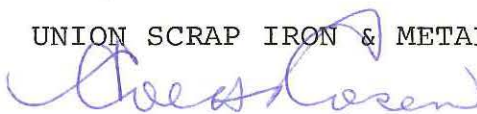
We have submitted our proposal in detail to the Minnesota Pollution Control Agency and they have indicated that it is acceptable to them. Additionally, the Minnesota Department of Transportation has accepted the plan. We are in the process of negotiating an overall agreement with MPCA regarding this plant site and the reuse of the scrap rubber pile is a vital component of that plan.

When we originally filed our application we were not fully advised of the recycling exemption and its application to this plant. It is now apparent that the plant is exempt from the permitting process under Section 3005 of RCRA. Therefore, we are hereby asking that our permit application be withdrawn. The material is clearly covered by the recycling-reuse exemption and therefore, this facility handles no hazardous wastes which need to be reported.

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment.

Very truly yours,

UNION SCRAP IRON & METAL COMPANY



Sol H. Rosen, President

MAY 28 1982

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Rick Rosen, General Manager  
Union Scrap Iron & Metal Company  
210 15th Avenue  
Minneapolis, Minnesota 55411

RE: MNT280010265  
Union Scrap Iron & Metal Company  
1608 Washington Avenue, North  
Minneapolis, Minnesota 55411

Dear Mr. Rosen:

By now you should have received an acknowledgement of our receipt of your Part A permit application material for the above-referenced hazardous waste facility under the Resource Conservation and Recovery Act, as amended (RCRA) permit program. You should also have been apprised of your condition relative to interim status.

Accordingly, this letter constitutes the next step in the formal process leading to issuance or denial of an RCRA permit. Under the authority of 40 CFR 122.22, this is a formal request for submittal of Part B of your application for the above-referenced facility.

Enclosed is a copy of 40 CFR 122.25 which lists the items that constitute a Part B for your facility. Your Part B application must be submitted in quadruplicate and postmarked no later than November 30, 1982. Please send your application to the following address:

RCRA ACTIVITIES  
Part B Permit Application  
USEPA, Region V  
P.O. Box A3587  
Chicago, Illinois 60690-3587

We are committed to conducting the RCRA permitting process as efficiently as possible. Consequently I suggest you contact Mr. Kenneth Skahn of my staff at (312) 886-6148, as you begin preparing your application. Mr. Skahn will be available to discuss specific needs of your application or to meet with you in Chicago. These efforts are intended to generate complete applications, without requiring any information beyond that which is necessary to make RCRA permit decisions.

While your complete application is due no later than the above date, you are encouraged to submit at your earliest opportunity those components which have been completed. Several interim status documents also are used as components of your Part B application. Included are such items as your waste analysis plan, contingency plan, closure plan, etc., each of which may be submitted to this office immediately, to initiate the processing of your Part B application.

Failure to furnish your complete Part B application by the above date, and to provide in full all required information, is grounds for termination of interim status under 40 CFR 122.22.

Information you submit in the Part B application can be disclosed to the public, according to the Freedom of Information Act and U.S. Environmental Protection Agency (USEPA) Freedom of Information regulations. If you wish, however, you may assert a claim of business confidentiality by printing the word "Confidential" on each page of the application which you believe contains confidential business information. USEPA will review business confidentiality claims under regulations at 40 CFR Part 2, and will later request substantiation of any claims. Please review these rules carefully before making a claim.

We have also enclosed a copy of 40 CFR Part 264 which includes technical standards for the operation of treatment and storage facilities. These standards will become applicable upon issuance of a permit to your facility by USEPA.

We will coordinate review of your application with the Minnesota Pollution Control Agency, and if your application is acceptable, will strive for a simultaneous issuance of Federal and State hazardous waste facility permits. It is possible that during the processing of your application, the State hazardous waste program may become authorized to issue RCRA permits for your type of facility. In that case, direct Federal processing will cease, and the State in lieu of USEPA will make the final determination on your application.

We look forward to receiving your Part B application.

Sincerely yours,

Original signed by  
Karl J. Klepitsch, Jr.

Karl J. Klepitsch, Jr., Chief  
Waste Management Branch

Enclosures: 40 CFR 122.25  
40 CFR 264

cc: James Warner, MPCA  
Sol H. Rosen

Original Union Scrap Iron & Metal Company

bcc: Part A File  
Staff Contact

FORM 1 GENERAL		ENVIRONMENTAL PROTECTION AGENCY GENERAL INFORMATION Consolidated Permits Program (Read the "General Instructions" before starting.)		I. EPA I.D. NUMBER MNT2800102653	
LABEL ITEMS		PLEASE PLACE LABEL IN THIS SPACE.		GENERAL INSTRUCTIONS	
EPA I.D. NUMBER				If a preprinted label has been provided, affix it in the designated space. Review the information carefully; if any of it is incorrect, cross through it and enter the correct data in the appropriate fill-in area below. Also, if any of the preprinted data is absent (the area to the left of the label space lists the information that should appear), please provide it in the proper fill-in area(s) below. If the label is complete and correct, you need not complete Items I, III, V, and VI (except VI-B which must be completed regardless). Complete all items if no label has been provided. Refer to the instructions for detailed item descriptions and for the legal authorizations under which this data is collected.	
III. FACILITY NAME					
V. FACILITY MAILING ADDRESS					
VI. FACILITY LOCATION					

II. POLLUTANT CHARACTERISTICS

INSTRUCTIONS: Complete A through J to determine whether you need to submit any permit application forms to the EPA. If you answer "yes" to any questions, you must submit this form and the supplemental form listed in the parenthesis following the question. Mark "X" in the box in the third column if the supplemental form is attached. If you answer "no" to each question, you need not submit any of these forms. You may answer "no" if your activity is excluded from permit requirements; see Section C of the instructions. See also, Section D of the instructions for definitions of bold-faced terms.

SPECIFIC QUESTIONS	MARK 'X'			SPECIFIC QUESTIONS	MARK 'X'		
	YES	NO	FORM ATTACHED		YES	NO	FORM ATTACHED
A. Is this facility a publicly owned treatment works which results in a discharge to waters of the U.S.? (FORM 2A)		X		B. Does or will this facility (either existing or proposed) include a concentrated animal feeding operation or aquatic animal production facility which results in a discharge to waters of the U.S.? (FORM 2B)		X	
C. Is this a facility which currently results in discharges to waters of the U.S. other than those described in A or B above? (FORM 2C)		X		D. Is this a proposed facility (other than those described in A or B above) which will result in a discharge to waters of the U.S.? (FORM 2D)		X	
E. Does or will this facility treat, store, or dispose of hazardous wastes? (FORM 3)	X			F. Do you or will you inject at this facility industrial or municipal effluent below the lowermost stratum containing, within one quarter mile of the well bore, underground sources of drinking water? (FORM 4)		X	
G. Do you or will you inject at this facility any produced water or other fluids which are brought to the surface in connection with conventional oil or natural gas production, inject fluids used for enhanced recovery of oil or natural gas, or inject fluids for storage of liquid hydrocarbons? (FORM 4)		X		H. Do you or will you inject at this facility fluids for special processes such as mining of sulfur by the Frasch process, solution mining of minerals, in situ combustion of fossil fuel, or recovery of geothermal energy? (FORM 4)		X	
I. Is this facility a proposed stationary source which is one of the 28 industrial categories listed in the instructions and which will potentially emit 100 tons per year of any air pollutant regulated under the Clean Air Act and may affect or be located in an attainment area? (FORM 5)		X		J. Is this facility a proposed stationary source which is NOT one of the 28 industrial categories listed in the instructions and which will potentially emit 250 tons per year of any air pollutant regulated under the Clean Air Act and may affect or be located in an attainment area? (FORM 5)		X	

III. NAME OF FACILITY

1	SKIP	Union Scrap Iron & Metal Company
---	------	----------------------------------

IV. FACILITY CONTACT

A. NAME & TITLE (last, first, & title)		B. PHONE (area code & no.)	
2	Rosen, Rick General Manager	612	522 4471

V. FACILITY MAILING ADDRESS

A. STREET OR P.O. BOX		B. CITY OR TOWN		C. STATE	D. ZIP CODE
3	210 - 15th Avenue North	4	Minneapolis	Mn	55411

VI. FACILITY LOCATION

A. STREET, ROUTE NO. OR OTHER SPECIFIC IDENTIFIER		B. COUNTY NAME		C. CITY OR TOWN		D. STATE	E. ZIP CODE	F. COUNTY CODE (if known)
5	1608 Washington Ave. No.	6	Hennepin	7	Minneapolis	Mn	55411	053

## VII. SIC CODES (4-digit, in order of priority)

A. FIRST										B. SECOND											
C	7	5	0	9	3	(specify) metal processing					C	7	(specify)								
15	16	17	18	19						15	16	17	18	19							
C. THIRD										D. FOURTH											
C	7	(specify)									C	7	(specify)								
15	16	17	18	19						15	16	17	18	19							

## VIII. OPERATOR INFORMATION

A. NAME																																																		B. Is the name listed in Item VIII-A also the owner?									
C	8	U n i o n S c r a p I r o n & M e t a l C o .																																																<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO 66									
15	16																																																										
C. STATUS OF OPERATOR (Enter the appropriate letter into the answer box; if "Other", specify.)																														D. PHONE (area code & no.)																													
F = FEDERAL										M = PUBLIC (other than federal or state)										P = PRIVATE										O = OTHER (specify)										C A 612 522 4471 15 16 17 18 19 20 21 22 23 24 25																			
E. STREET OR P.O. BOX																																																											
2 1 0 - 1 5 t h A v e . N o .																																																											
F. CITY OR TOWN																														G. STATE										H. ZIP CODE										IX. INDIAN LAND									
B M i n n e a p o l i s																														Mn										55411										Is the facility located on Indian lands? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO 52									
15 16 17 18 19 20 21 22 23 24 25																														40 41 42 43 44 45 46 47 48 49 50										51 52 53 54 55 56 57 58 59 60																			

## X. EXISTING ENVIRONMENTAL PERMITS

A. NPDES (Discharges to Surface Water)															D. PSD (Air Emissions from Proposed Sources)																
C	9	N	NA												C	9	P	NA													
15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
B. UIC (Underground Injection of Fluids)															E. OTHER (specify)																
C	9	U	NA												C	9	NA (specify)														
15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
C. RCRA (Hazardous Wastes)															E. OTHER (specify)																
C	9	R	NA												C	9	NA (specify)														
15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30

## XI. MAP

Attach to this application a topographic map of the area extending to at least one mile beyond property boundaries. The map must show the outline of the facility, the location of each of its existing and proposed intake and discharge structures, each of its hazardous waste treatment, storage, or disposal facilities, and each well where it injects fluids underground. Include all springs, rivers and other surface water bodies in the map area. See instructions for precise requirements.

F9A/50

## XII. NATURE OF BUSINESS (provide a brief description)

Scrap battery tops and cases are processed and seperated into component parts i.e. hard lead, lead oxide, polypropylene and hard rubber.

F9A/51

## XIII. CERTIFICATION (see instructions)

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application and all attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information contained in the application, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

A. NAME & OFFICIAL TITLE (type or print)	B. SIGNATURE	C. DATE SIGNED
Sol H. Rosen, President		11-5-80

## COMMENTS FOR OFFICIAL USE ONLY

C
C
15 16 17 18 19 20 21 22 23 24 25



**III. PROCESSES (continued)**

C. SPACE FOR ADDITIONAL PROCESS CODES OR FOR DESCRIBING OTHER PROCESSES (code "T04"). FOR EACH PROCESS ENTERED HERE INCLUDE DESIGN CAPACITY.

**IV. DESCRIPTION OF HAZARDOUS WASTES**

**A. EPA HAZARDOUS WASTE NUMBER** — Enter the four-digit number from 40 CFR, Subpart D for each listed hazardous waste you will handle. If you handle hazardous wastes which are not listed in 40 CFR, Subpart D, enter the four-digit number(s) from 40 CFR, Subpart C that describes the characteristics and/or the toxic contaminants of those hazardous wastes.

**B. ESTIMATED ANNUAL QUANTITY** — For each listed waste entered in column A estimate the quantity of that waste that will be handled on an annual basis. For each characteristic or toxic contaminant entered in column A estimate the total annual quantity of all the non-listed waste(s) that will be handled which possess that characteristic or contaminant.

**C. UNIT OF MEASURE** — For each quantity entered in column B enter the unit of measure code. Units of measure which must be used and the appropriate codes are:

**ENGLISH UNIT OF MEASURE**                      **CODE**  
 POUNDS . . . . . P  
 TONS . . . . . T

**METRIC UNIT OF MEASURE**                      **CODE**  
 KILOGRAMS . . . . . K  
 METRIC TONS . . . . . M

If facility records use any other unit of measure for quantity, the units of measure must be converted into one of the required units of measure taking into account the appropriate density or specific gravity of the waste.

**D. PROCESSES****1. PROCESS CODES:**

**For listed hazardous waste:** For each listed hazardous waste entered in column A select the code(s) from the list of process codes contained in Item III to indicate how the waste will be stored, treated, and/or disposed of at the facility.

**For non-listed hazardous wastes:** For each characteristic or toxic contaminant entered in column A, select the code(s) from the list of process codes contained in Item III to indicate all the processes that will be used to store, treat, and/or dispose of all the non-listed hazardous wastes that possess that characteristic or toxic contaminant.

**Note:** Four spaces are provided for entering process codes. If more are needed: (1) Enter the first three as described above; (2) Enter "000" in the extreme right box of Item IV-D(1); and (3) Enter in the space provided on page 4, the line number and the additional code(s).

**2. PROCESS DESCRIPTION:** If a code is not listed for a process that will be used, describe the process in the space provided on the form.

**NOTE: HAZARDOUS WASTES DESCRIBED BY MORE THAN ONE EPA HAZARDOUS WASTE NUMBER** — Hazardous wastes that can be described by more than one EPA Hazardous Waste Number shall be described on the form as follows:

1. Select one of the EPA Hazardous Waste Numbers and enter it in column A. On the same line complete columns B, C, and D by estimating the total annual quantity of the waste and describing all the processes to be used to treat, store, and/or dispose of the waste.
2. In column A of the next line enter the other EPA Hazardous Waste Number that can be used to describe the waste. In column D(2) on that line enter "included with above" and make no other entries on that line.
3. Repeat step 2 for each other EPA Hazardous Waste Number that can be used to describe the hazardous waste.

**EXAMPLE FOR COMPLETING ITEM IV (shown in line numbers X-1, X-2, X-3, and X-4 below)** — A facility will treat and dispose of an estimated 900 pounds per year of chrome shavings from leather tanning and finishing operation. In addition, the facility will treat and dispose of three non-listed wastes. Two wastes are corrosive only and there will be an estimated 200 pounds per year of each waste. The other waste is corrosive and ignitable and there will be an estimated 100 pounds per year of that waste. Treatment will be in an incinerator and disposal will be in a landfill.

LINE NO.	A. EPA HAZARDOUS WASTE NO. (enter code)	B. ESTIMATED ANNUAL QUANTITY OF WASTE	C. UNIT OF MEASURE (enter code)	D. PROCESSES	
				1. PROCESS CODES (enter)	2. PROCESS DESCRIPTION (if a code is not entered in D(1))
X-1	K 0 5 4	900	P	T 0 3 D 8 0	
X-2	D 0 0 2	400	P	T 0 3 D 8 0	
X-3	D 0 0 1	100	P	T 0 3 D 8 0	
X-4	D 0 0 2				included with above

## IV. DESCRIPTION OF HAZARDOUS WASTE (continued)

E. USE THIS SPACE TO LIST ADDITIONAL PROCESS CODES FROM ITEM D(1) ON PAGE 3.

EPA I.D. NO. (enter from page 1)

F MNT28441426536

## V. FACILITY DRAWING

All existing facilities must include in the space provided on page 5 a scale drawing of the facility (see instructions for more detail). F6 A/55

## VI. PHOTOGRAPHS

All existing facilities must include photographs (aerial or ground-level) that clearly delineate all existing structures; existing storage, treatment and disposal areas; and sites of future storage, treatment or disposal areas (see instructions for more detail). F6 B/56

## II. FACILITY GEOGRAPHIC LOCATION

LATITUDE (degrees, minutes, &amp; seconds)

44° 59' 44" N 44°

LONGITUDE (degrees, minutes, &amp; seconds)

93° 16' 52" W 52°

## VIII. FACILITY OWNER

☒ A. If the facility owner is also the facility operator as listed in Section VIII on Form 1, "General Information", place an "X" in the box to the left and skip to Section IX below.

B. If the facility owner is not the facility operator as listed in Section VIII on Form 1, complete the following items:

1. NAME OF FACILITY'S LEGAL OWNER

2. PHONE NO. (area code &amp; no.)

E NA

3. STREET OR P.O. BOX

4. CITY OR TOWN

5. ST.

6. ZIP CODE

F NA G

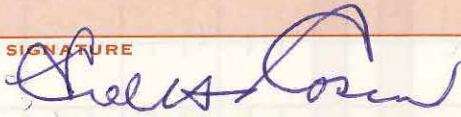
## IX. OWNER CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

A. NAME (print or type)

Sol H. Rosen

B. SIGNATURE



C. DATE SIGNED

Nov. 5, 1980

## X. OPERATOR CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

A. NAME (print or type)

NA

B. SIGNATURE

C. DATE SIGNED

Continued from page 2.

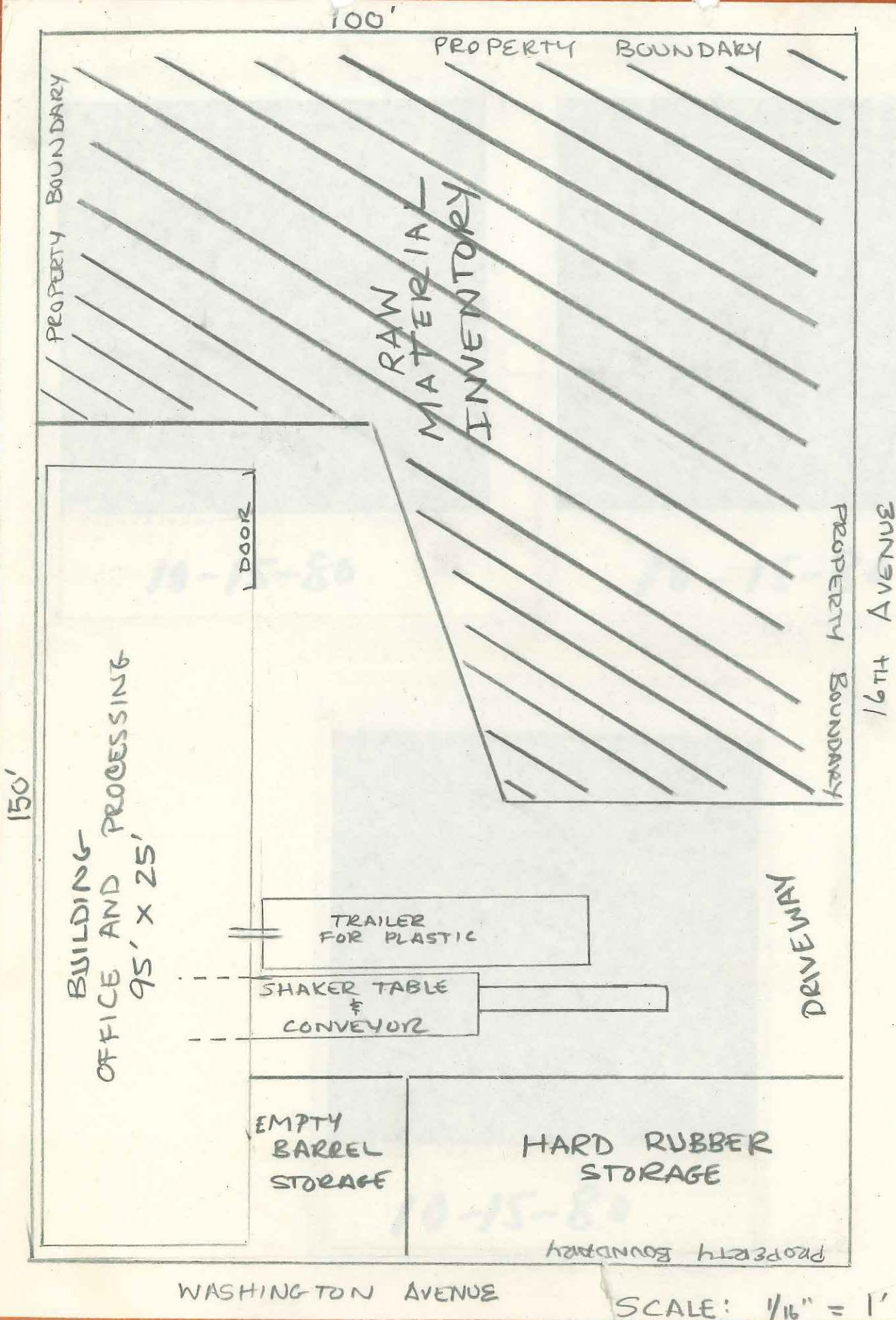
NOTE: Photocopy this page before completing if you have more than 26 wastes to list.

Form Approved OMB No. 158-S80004

EPA I.D. NUMBER (enter from page 1)													FOR OFFICIAL USE ONLY													
S W M N T 2 8 0 0 1 0 2 6 5 3 1													S W DUP													
T/A C 1													T/A C 2 DUP													
IV. DESCRIPTION OF HAZARDOUS WASTES (continued)																										
W N O I Z	A. EPA HAZARD. WASTE NO. (enter code)	B. ESTIMATED ANNUAL QUANTITY OF WASTE	C. UNIT OF MEAS- URE (enter code)	D. PROCESSES																						
				1. PROCESS CODES (enter)																						
2. PROCESS DESCRIPTION (if a code is not entered in D(1))																										
1	D 000	260 ( $.125 \times 260$ )	T	S 03																						
2	D 000	7280 ( $3.5 \times 260$ ) <sup>8</sup>	T	T 01																						
3																										
4																										
5																										
6																										
7																										
8																										
9																										
10																										
11																										
12																										
13																										
14																										
15																										
16																										
17																										
18																										
19																										
20																										
21																										
22																										
23																										
24																										
25																										
26																										



V. FACILITY DRAWING (see page 4)



SCALE: 1/16" = 1'

## ENVIRONMENTAL PROTECTION AGENCY

## GENERATOR BIENNIAL HAZARDOUS WASTE REPORT FOR 1983

This report is for the calendar year ending December 31, 1983.  
Read All Instructions Carefully Before Making Any Entries on Form

## I. NON-REGULATED STATUS

Complete this section only if you did not generate regulated quantities of hazardous waste at any time during the 1983 calendar year. Circle the one code at right that best describes your status during the entire year (see instructions for explanation of codes).

- ✓ 1 Non-handler  
2 Small Quantity Generator  
4 Exempt  
\* 5 Beneficial Use  
9 Closed

Please print/type with elite type (12 characters per inch)

## II. GENERATOR'S EPA I.D. NUMBER

F M N D 9 8 0 5 0 1 6 4 7 1  
1 2 13 14 15

T/A C

This Installation's Non-Regulated Status is Expected to Apply:

- ☐ For 1983 Only ☒ Permanently  
☐ Other \_\_\_\_\_

C303 ENTRY (OFFICIAL USE ONLY): ☐

## III. NAME OF INSTALLATION

U N I O N S C R A P I R O N & M E T A L C O M P A N Y  
30 69

## IV. INSTALLATION MAILING ADDRESS

3 P O B O X 1 1 2 4 7  
15 16 45

Street or P.O. Box

4 M I N N E A P O L I S M N 5 5 4 1 1  
15 16 41 42 47 51

City or Town

State Zip Code

## V. LOCATION OF INSTALLATION (if different than section IV above)

5 1 6 0 8 W A S H I N G T O N A V E N U E N O R T H  
15 16 45

Street or Route number

6 M I N N E A P O L I S M N 5 5 4 1 1  
15 16 41 42 47 51

City or Town

State Zip Code

## VI. INSTALLATION CONTACT

2 R I C K I R O S E N  
15 16 45

Name (last and first)

6 1 2 1 5 2 2 4 4 7 1  
46 55

Phone No. (area code &amp; no.)

## VII. CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Richard B. Rosen, General Manager

Print/Type Name

Title

Signature of Authorized Representative

February 4, 1984

Date Signed

**A.4 Closure/Post-  
Closure**

DEPARTMENT : POLLUTION CONTROL AGENCY

STATE OF MINNESOTA

## Office Memorandum

DATE : September 26, 1989

TO : Union Scrap Iron and Metal Company File  
MND980501647FROM : Richard A. Baxter  
Permit and Review Unit  
Hazardous Waste Division

PHONE : 296-8577

SUBJECT : CLOSURE OF UNION SCRAP IRON AND METAL FACILITY

RECEIVED  
OCT 02 1989  
OFFICE OF RCRA  
WASTE MANAGEMENT DIVISION  
EPA, REGION V

This memorandum is in regard to the closure of the Union Scrap Iron and Metal Company hazardous waste facility which was formerly located at 1608 Washington Avenue North in Minneapolis. The company had filed a Part A application for a waste pile consisting of scrap battery casings from their battery cracking operation. The facility was owned by Sol Rosen who also owned the Shafer Metal facility in Minneapolis and the Poly Metal Products facility in St. Paul. Mr. Rosen went through Chapter 7 bankruptcy proceedings in the early 1980's.

The property on which this facility was located became a U.S. Environmental Protection Agency (EPA) CERCLA site due to extensive lead contamination in the underlying soils. The EPA conducted a soil removal action on this site which was completed in November 1988. The EPA is currently completing the Remedial Investigation Feasibility Study (RIFS) for ground water. All structures located on the property have been demolished and removed.

The CERCLA cleanup dealt with the soil contamination attributable to the waste pile which was the RCRA regulated unit being closed. The MPCA hazardous waste permits unit coordinated with MPCA and EPA Superfund programs in determining cleanup levels appropriate for a RCRA closure. No additional corrective action measures are anticipated. However, after completion of the RIFS we will review the Record of Decision to verify that no unremediated SWMU's remain on site.

Since the company is bankrupt, the facility is closed, and the removal action completed, this change of status will not be public noticed.

This memorandum constitutes the MPCA's final closure action on the Union Scrap Iron and Metal hazardous waste facility, and as such constitutes final administrative action on the company's Part A hazardous waste permit application.

RAB:jcj

cc: Charles Slaustas, EPA, Chicago  
Joel Morbito, EPA, Chicago

P 371 346 127

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—  
NOT FOR INTERNATIONAL MAIL

(See Reverse)

Sent to <b>501 H ROSEN</b>	
Street and No. <b>210 FIFTEENTH AVE N</b>	
P.O., State and ZIP Code <b>MINNEAPOLIS MN 55411</b>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to whom and Date Delivered	
Return Receipt Showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date	

PS Form 3800, Feb. 1982



5HW - Pierard

PS Form 3811, July 1982

● SENDER: Complete items 1, 2, 3, and 4.  
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).  
☒ Show to whom and date delivered ..... \$  
☐ Show to whom, date, and address of delivery .. \$  
 2. ☐ RESTRICTED DELIVERY ..... \$  
 (The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$

3. ARTICLE ADDRESSED TO:  
**501 H ROSEN**  
**UNION SCRAP IRON & METAL CO**  
**210 FIFTEENTH AVE N MINN MN**

4. TYPE OF SERVICE: ARTICLE NUMBER  
☐ REGISTERED ☐ INSURED  
☒ CERTIFIED ☐ COD **P371346127**  
☐ EXPRESS MAIL

(Always obtain signature of addressee or agent)

I have received the article described above.  
 SIGNATURE ☐ Addressee ☐ Authorized agent

5. DATE OF DELIVERY **MAR 23 1984**  
 POSTMARK (may be on reverse side)  
**MAR 23 1984**

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE: 7a. EMPLOYEE'S INITIALS  
**1/11**

5HW-13  
 R410  
 Pierard

RETURN RECEIPT

AUG 1 1984

Sol H. Rosen, President  
Union Scrap Iron & Metal Co.  
210 Fifteenth Ave. North  
Minneapolis, Minnesota 55411

RE: MND 980-501-647  
1608 Washington Avenue North  
Minneapolis, Minnesota

Dear Mr. Rosen:

We have received your letter of February 21, 1984, responding to the request for a closure plan for this facility. We recognize that clean-up of the site will be accomplished under the requirements of the Stipulation Agreement that was signed August 23, 1983, between Union Scrap and the MPCA. Our purpose is to satisfy the regulations concerning the closure of this facility. You have specifically requested that this facility be exempt from the requirements for closure under RCRA because recycling operations are exempt from the regulations. We will grant the recycling exemption only after it is shown that the entire pile is recyclable. If it is not totally recyclable and any portion must be disposed of at a hazardous waste facility, we will require a closure plan in accordance with RCRA regulations. Please inform us after the entire pile has been recycled and we will process the withdrawal of the facility from the permitting procedure.

Closure, rather than withdrawal, requires that you guarantee removal of all contamination or that you continue monitoring and maintaining the site so that the hazardous wastes would not affect any future use of the site or would not migrate off-site. The content of the Stipulation Agreement would constitute an acceptable closure plan. In addition, a final post-closure plan may be required after site clean-up if a potential for environmental contamination would continue to exist.

The treatment unit may be subject to RCRA closure plan requirements, as relayed by Ken Skahn in the telephone call with Desyl Peterson on February 10, 1984. The treatment unit would be exempt if the entire pile is recycled because the treatment unit would have been part of the recycling operation. We recognize that the treatment unit has been removed from the site. Closure for the treatment unit, if required, would involve a description in the plan of how the equipment and surrounding area were de-contaminated.

Withdrawal from the RCRA permit process will, in no way, relieve you of complying with the Stipulation Agreement and Minnesota regulations. As the MPCA monitors your compliance with the Stipulation Agreement, they will keep us informed of the progress of your performance.

As I stated in my letter to you dated January 25, 1984, the call-in of Part B of the hazardous waste facility permit application for this site has been rescinded. This rescission was based on your company's commitment to remove hazardous wastes from this facility by recycling according to the Stipulation Agreement.

Please contact Gerald Lenssen of my staff at (312) 886-9288 if you have any questions.

Sincerely,

Karl J. Klepitsch, Jr., Chief  
Waste Management Branch

cc: Steven A. Reed, MPCA  
Paul Klinge, MPCA

5HW-13:G.Lenssen:J.Turner:7/19/84

INITIALS	1.1151	AUTHOR	STU #1	STU #2	STU #3	TPS	WMB	WMD
	<i>SLW</i>	<i>G. Lenssen</i>	CHIEF	CHIEF	CHIEF	CHIEF	CHIEF	DIRECTOR
DATE	7-19-84	7/20/84		<i>W. J. Turner</i> 7/25/84 <i>Acting</i>			<i>7/21/84</i> <i>WMB</i>	<i>7/31/84</i> <i>WMD</i>

# UNION SCRAP IRON & METAL CO.

IRON AND  
STEEL SCRAP



NON-FERROUS  
SCRAP METALS

210 FIFTEENTH AVE. NO.

MINNEAPOLIS, MINNESOTA 55411

TELEPHONE: 522-4471

Part B

Versar  
Ken Skahn  
Jerry

RECEIVED  
FEB 27 1984

WASTE MANAGEMENT  
BRANCH

February 21, 1984

Mr. Karl J. Klepitsch, Jr.,  
Chief, Waste Management Branch  
United States Environmental  
Protection Agency  
Region V  
230 South Dearborn Street  
Chicago, Illinois 60604

Attn: 5HW-13

Re: MND 980-501-647 G, TRS, TSD, PA-9  
(Previously MNT 280-010-265)  
Union Scrap Iron and Metal Company  
1608 Washington Avenue North  
Minneapolis, Minnesota

RECEIVED  
FEB 29 1984

WASTE MANAGEMENT  
WASTE MANAGEMENT  
BRANCH

Dear Mr. Klepitsch:

We have received your letter dated January 25, 1984 requesting a closure plan for our facility at 1608 Washington Avenue North in the City of Minneapolis. We do not believe that such a closure plan is required.

By letter dated November 15, 1982, I requested that our Part A application be withdrawn because we were not fully advised of the recycling exemption to the hazardous waste requirements. Kenneth Skahn of your office replied in a letter dated January 3, 1983, that we would be eligible for the

RECEIVED  
3/2/84

Part B  
Called In  
KSS

Mr. Karl J. Klepitsch, Jr.  
February 21, 1984  
Page two

recycling exemption but stated that you would not act on our request for withdrawal of the permit application until the stipulation agreement with the MPCA was signed.

As your most recent letter recognizes, that stipulation agreement has now been signed, and we are proceeding pursuant to that stipulation to remove the pile of rubber battery chips and recycling them for bituminous roadway construction. The rubber chip pile will be removed in its entirety by this recycling method.

In the original Part A application which we submitted, we also referenced the existence of a treatment tank. We were referring at that time to an MA30 system which was in operation at the site to separate scrap lead from plastic and rubber. This, however, was not a chemical treatment system, but instead was a physical process for separating materials. The tanks involved simply used water and a conveyor belt for separating the heavier from the lighter materials. That system is no longer in operation at the facility and was sold and removed approximately one and one-half years ago.

Therefore, we would appreciate your acting at this time to acknowledge the withdrawal of our Part A application because our facility does not qualify as a hazardous waste treatment, storage, or disposal facility.

Very truly yours,

UNION SCRAP IRON AND METAL COMPANY

By 

Sol H. Rosen, President

SHR/jmp  
0537w

JAN 25 1984

5HW-13

Sol H. Rosen, President  
Union Scrap Iron and Metal Company  
210 Fifteenth Avenue North  
Minneapolis, Minnesota 55411

RE: MND 980-501-647  
(Previously MNT 280-010-265)  
Union Scrap Iron and Metal Company  
1608 Washington Avenue North  
Minneapolis, Minnesota

Dear Mr. Rosen:

We have been advised by the Minnesota Pollution Control Agency (MPCA) that the material in the regulated hazardous waste storage and treatment units at the above referenced facility is to be removed within fifteen (15) months of the effective date the stipulation agreement that was entered into by your company and the MPCA. Since the effective date of the stipulation agreement is August 23, 1983, removal should be completed by December 1, 1984.

Now that closure of the hazardous waste storage and treatment units is ascertained through the stipulation agreement, we hereby rescind the call-in of Part B of the hazardous waste facility permit application for this site.

As soon as you have prepared a closure plan for site clean-up, and at least 180 days before you expect to begin closure, the closure plan must be submitted to this office. The closure plan must be prepared in accordance with 40 CFR 265 Subpart G requirements. Upon receipt of an acceptable document, we will public notice your closure plan and after completion of the public notice period, we will notify you in writing of our decision to approve, modify, or disapprove the plan. Our approval of your closure plan is required prior to the start of the closure activities.

Please contact Kenneth Skahn of my staff at (312) 886-3790, if you have any questions.

Sincerely yours,

Karl J. Klepitsch, Jr., Chief  
Waste Management Branch

cc: Greg Pederson, MPCA  
Paul Klinge, MPCA

bcc: Richard Dell, State Specialist  
Ken Skahn, SIO

5HW-13:K.Skahn:jt:1/17/84

	TYPIST	AUTHOR	STU #1	STU #2	STU #3	TPS	WMB	WMD
INITIALS	jt	Ken Skahn	CHIEF	CHIEF	CHIEF	CHIEF	CHIEF	DIRECTOR
DATE	1/19/84	1/19/84		D B 1/20/84		1/24/84	1/25/84	1/25/84

# UNION SCRAP IRON & METAL CO.

IRON AND  
STEEL SCRAP



NON-FERROUS  
SCRAP METALS

210 FIFTEENTH AVE. NO.

MINNEAPOLIS, MINNESOTA 55411

TELEPHONE: 522-4471

May 10, 1983

William H. Miner, Chief  
Technical, Permits and Compliance Section  
United States Environmental Protection Agency  
Region V  
111 West Jackson Boulevard  
Chicago, Illinois 60604

980501647  
MND ~~622-949192~~  
PA, G, TRS, TSD

Dear Mr. Miner;

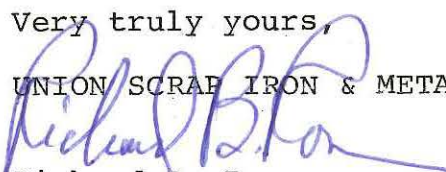
old # MNT 2800 10265

Regarding the submittal of our Part B Permit application, please be aware the Minnesota Pollution Control Agency is in the process of drafting final language as agreed to by our attorney and the agency people. We are ready to commence reuse of the rubber chip pile as soon as the language is finalized which I am advised should be very shortly.

As soon as it is received and signed, I will forward the executed agreement. Please contact Mr. Bruce Wilson at MPCA to verify that we are close to executing an agreement in this matter.

Very truly yours,

UNION SCRAP IRON & METAL COMPANY

  
Richard B. Rosen  
General Manager

RECEIVED  
MAY 17 1983  
WASTE MANAGEMENT  
BRANCH

RECEIVED  
5/18/83

MAR 24 1983

Richard B. Rosen, General Manager  
Union Scrap Iron & Metal Company  
210 Fifteenth Avenue North  
Minneapolis, Minnesota 55411

Dear Mr. Rosen:

This is in regard to your February 25, 1983, letter requesting an extension of the date for submittal of your Hazardous Waste Facility Permit Application, Part B.

Mr. Kenneth Skahn, the staff contact for your permit application, has contacted Mr. Bruce Wilson of the Minnesota Pollution Control Agency (MPCA) and has received confirmation that an extension is appropriate, pending revision of the agreement being negotiated with your firm. It is understood that execution of the agreement with the MPCA should enable your firm to proceed with reuse of the material in the hazardous waste pile as a substitute for roadway base course aggregate and thus, under 40 CFR 261.6(a), exempt the material as a hazardous waste. At such time as the material is found to be acceptable for reuse, U.S. EPA would re-evaluate the appropriateness of calling in the Part B for your facility.

We hereby approve your request for a time extension and extend the due date for submittal of Part B permit application from March 1, 1983, to May 1, 1983. Please send us a copy of the executed agreement and advise us of your intentions for submittal of the Part B prior to May 1, 1983.

Please contact Mr. Skahn, at (312) 886-4158, if you have any questions.

Sincerely yours,

*DJB for*  
William H. Miner, Chief  
Technical, Permits, and Compliance Section

cc: James Warner, MPCA  
Bruce Wilson, MPCA

bcc: Part A File  
Ken Skahn, Minn. SIO

5HW-13:Ken Skahn:pg:3-14-83  
revisions: 3-23-83

INITIALS	DATE	TYPIST	AUTHOR	STU #1	STU #2	STU #3	ACTING	WMB	WMD
			K. Skahn 3/23/83	CHIEF	CHIEF DJB	CHIEF	TRP CHIEF DJB 3/24/83	CHIEF	DIRECTOR

AMT 280010265  
MND 980501647 > 1608 Washington  
MND 022949192 208 15th Ave N

# UNION SCRAP IRON & METAL CO.

IRON AND  
STEEL SCRAP



NON-FERROUS  
SCRAP METALS

210 FIFTEENTH AVE. NO.

MINNEAPOLIS, MINNESOTA 55411

TELEPHONE: 522-4471

February 25, 1983

Mr. Kenneth Skahn  
Minnesota State Implementation Officer  
United States Environmental Protection Agency  
Region V  
111 West Jackson Blvd.  
Chicago, Illinois 60604

Dear Mr. Skahn:


As per our telephone conversation today, we are requesting an extension for the due date of our Part B from March 1, 1983 to May 1, 1983.

As I explained, the MPCA has been very involved in reorganizing under a new administration and we have been busy with legislative matters and our final stipulation agreement has been delayed accordingly.

We have discussed this with Mr. Bruce Wilson of MPCA. I am sure he will confirm that he is in agreement with this request.

Very truly yours,

UNION SCRAP IRON & METAL CO.

  
Richard B. Rosen  
General Manager

RBR/jl

**C.2 Compliance  
And Enforcement**

N/A

# UNION SCRAP IRON & METAL CO.

IRON AND  
STEEL SCRAP



NON-FERROUS  
SCRAP METALS

210 FIFTEENTH AVE. NO.  
MINNEAPOLIS, MINNESOTA 55411

TELEPHONE: 522-4471

2-7-86

Union Scrap Iron & Metal Company has been in chapter 7  
Bankruptcy for over 1 year. I suggest you contact the  
Minnesota Pollution Control Agency for further information.

MND 980501647



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
230 SOUTH DEARBORN ST.  
CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:

19 NOV 1985 CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Union Scrap Iron & Metal Company  
10-15th Avenue, North  
Minneapolis, MN 55411  
ID #MND980501647

RE: Request for Information Pursuant to §3007 of the Resource Conservation and Recovery Act, 42 U.S.C. §6927

Dear Sirs:

On July 3, 1985, the U.S. Environmental Protection Agency, Region V sent most of the land disposal facilities in Region V a letter advising them that the Resource Conservation and Recovery Act (RCRA) had been amended by the Hazardous and Solid Waste Amendments of 1984 (the Amendments), and in particular informing them of a new provision known as the loss of interim status provision. The purpose of this letter is to provide additional guidance relative to the loss of interim status provision and to request information regarding your operations before and after November 8, 1985.

The loss of interim status provision provides:

(2) In the case of each land disposal facility which has been granted interim status under this subsection before the date of enactment of the Hazardous and Solid Waste Amendments of 1984, interim status shall terminate on the date twelve months after the date of the enactment of such Amendments unless the owner or operator of such facility

(A) applies for a final determination regarding the issuance of a permit under subsection (c) for such facility before the date twelve months after the date of the enactment of such Amendments; and

(B) certifies that such facility is in compliance with all applicable groundwater monitoring and financial responsibility requirements.

The U.S. Environmental Protection Agency's interpretation of the requirements under this provision is published at 50 Federal Register 38946 (September 25, 1985), a copy of which is enclosed. Please read and follow this closely. In order for you to continue to place hazardous wastes in land disposal units at your facility on and

after November 8, 1985, by that date you must (1) submit a Part B operating permit application and (2) a certification of compliance with all applicable groundwater monitoring and financial responsibility requirements. Certification is authorized on a facility-wide or unit-by-unit basis. The certification should be sent to U.S. EPA, Region V, Waste Management Division, RCRA Enforcement Section, 230 South Dearborn Street, Chicago, Illinois 60604, and to the State. Except for facilities in Minnesota, the permit application or post-closure permit application should be sent to RCRA Activities, U.S. EPA, Region V, P.O. Box A3587, Chicago, Illinois 60690-3587. Except for facilities in Michigan, the closure-plan should be sent to the State.

The owner/operator of a facility may certify compliance only if the facility or units for which interim status is retained is in physical compliance. Because this is a provision of federal law, an order by any agency that has a compliance date on or beyond November 8, 1985 does not relieve the owner/operator of the obligation to be in physical compliance by the statutory date when the certification is due. You may not interpret or rely on an order or compliance schedule therein as an extension of the November 8, 1985 deadline. Moreover, difficulties in achieving compliance, such as obtaining insurance, are not grounds for filing a certification if you are not in physical compliance.

If you do not certify compliance with ground-water monitoring and financial responsibility requirements and/or you do not submit a Part B permit application by November 8, 1985, you must cease placement of wastes into the land disposal units in question by that date and you must comply with all closure and post-closure requirements. This follows by operation of law and does not require notice from U.S. EPA.

You are hereby required, pursuant to the authority of §3007 of RCRA, 42 U.S.C. §6927, to report to U.S. EPA information regarding hazardous waste land disposal units that had interim status on or before November 8, 1985, and/or received hazardous waste after November 19, 1980. In particular, you are to submit the information specified in paragraphs 1-3 of Enclosure I between November 23 and November 27, 1985. Information in paragraph 4 is to be submitted between January 3 and 10, 1986. Each submission must identify the facility by name, address and RCRA I.D. number, be a self-explanatory and complete response, be dated, and be signed.

You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 CFR §2.203(b). You should read the above-cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim. Information covered by such a claim will be disclosed by U.S. EPA only to the extent, and by the means of the procedures, set forth by 40 CFR Part 2, Subpart B.

If no such claim accompanies the information when it is received by U.S. EPA, it may be available to the public by EPA without further notice to you.

Please forward the information requested to:

U.S. Environmental Protection Agency  
Waste Management Division  
230 South Dearborn Street  
Chicago, Illinois 60604  
Attn: RCRA Enforcement Section, SHE-12

Failure to comply with the above request within the time frame specified may result in an enforcement action by U.S. EPA under the authority of §3008 of RCRA, including the assessment of penalties. You should also be aware that knowing falsification of any information provided pursuant to this request is a criminal violation under §3008(d)(3) of RCRA, and other provisions and may result in fines and imprisonment.

If you have any questions with regard to the above, or should you need further clarification regarding your response to this letter, please contact William E. Muno of my staff at (312) 886-4434.

Sincerely,

12-6

*Gene A. Lucero,*

*for* B.G. Constantelos, Director  
Waste Management Division

Enclosures (2)

## ENCLOSURE I

For purposes of the information request, the following definitions shall apply:

"Hazardous waste" means those solid wastes identified as hazardous waste in 40 CFR part 261, or the authorized state program in which a facility is located whichever is more inclusive.

"RCRA Land Disposal Units" shall include landfills, land treatment units, surface impoundments used for storage, treatment or disposal, waste piles and class I hazardous waste underground injection wells subject at any time to regulations or other requirements under subtitle C of the Resource Conservation and Recovery Act.

### INFORMATION REQUEST

(1) Identify each RCRA land disposal unit at your facility by stating the common name or identifier used by the facility and Part A process code. Identify the unit on a photocopy of a topographic map attached to your response.

(2) Identify each RCRA land disposal unit at your facility which was not within the scope of a certification of compliance with all applicable groundwater monitoring and financial responsibility requirements and a Part B permit application, transmitted to EPA by November 8, 1985, by indicating for each such unit the common name or identifier used by the facility and Part A process code, which unit must be identified on the topographic map identified in response to information request number 1 above.

(3) For each RCRA land disposal unit at your facility which was not within the scope of a certification of compliance with all applicable groundwater monitoring and financial responsibility requirements and a Part B permit application transmitted to EPA by November 8, 1985 (these units were to be identified in answer No. 2 above), state when and to whom a closure plan was submitted.

(4) For each RCRA land disposal unit at your facility which was not within the scope of a certification of compliance with all applicable groundwater monitoring and financial responsibility requirements and a Part B permit application transmitted to EPA by November 8, 1985:

- a. State the type and average quantity of hazardous wastes placed in each on a daily (or monthly) average during the year prior to November 8, 1985.
- b. State when the unit ceased receiving hazardous waste;

- c. State whether hazardous waste was placed in the unit at any time between November 8, 1985 and December 31, 1985;
- d. State how the hazardous waste introduced into the unit before November 8, 1985 has been treated, stored or disposed of between November 8, 1985 and December 31, 1985.
- e. State how you intend to treat, store or dispose of that hazardous waste identified in "d", in 1986, including the identity of any off-site facility to which you intend to ship it.

gw 7-19-84  
**DRAFT**

Sol H. Rosen, President  
Union Scrap Iron & Metal Co.  
210 Fifteenth Ave. North  
Minneapolis, Minnesota 55411

RE: MND 980-501-647  
1608 Washington Avenue North  
Minneapolis, Minnesota

Dear Mr. Rosen:

We have received your letter of February 21, 1984, responding to the request for a closure plan for this facility. We recognize that clean-up of the site will be accomplished under the requirements of the Stipulation Agreement that was signed August 23, 1983, between Union Scrap and the MPCA. Our purpose is to satisfy the regulations concerning the closure of this facility. You have specifically requested that this facility be exempt from the requirements for closure under RCRA because recycling operations are exempt from the regulations. We will grant the recycling exemption only after it is shown that the entire pile is recycleable. If it is not totally recycleable and any portion must be disposed of at a hazardous waste facility, we will require a closure plan in accordance with RCRA regulations. Please inform us after the entire pile has been recycled and we will process the withdrawal of the facility from the permitting procedure.

Closure, rather than withdrawal, requires that you guarantee removal of all contamination or that you continue monitoring and maintaining the site so that the hazardous wastes would not affect any future use of the site or would not migrate off-site. The content of the Stipulation Agreement would constitute an acceptable closure plan. In addition, a final post-closure plan may be required after site clean-up if a potential for environmental contamination would continue to exist.

The treatment unit may be subject to RCRA closure plan requirements, as relayed by Ken Skahn in the telephone call with Desyl Peterson on February 10, 1984. The treatment unit would be exempt if the entire pile is recycled because the treatment unit would have been part of the recycling operation. We recognize that the treatment unit has been removed from the site. Closure for the treatment unit, if required, would involve a description in the plan of how the equipment and surrounding area were de-contaminated.

Withdrawal from the RCRA permit process will, in no way, relieve you of complying with the Stipulation Agreement and Minnesota regulations. As the MPCA monitors your compliance with the Stipulation Agreement, they will keep us informed of the progress of your performance.

As I stated in my letter to you dated January 25, 1984, the call-in of Part B of the hazardous waste facility permit application for this site has been rescinded. This rescission was based on your company's commitment to remove hazardous wastes from this facility by recycling according to the Stipulation Agreement.

Please contact Gerald Lenssen of my staff at (312) 886-9288 if you have any questions.

Sincerely,

Karl J. Klepitsch, Jr., Chief  
Waste Management Branch

cc: Steven A. Reed, MPCA  
Paul Klinge, MPCA

5HW-13:G.Lenssen:G.Words:7/19/84

Sol H. Rosen, President  
 Union Scrap Iron & Metal Co.  
 210 Fifteenth Ave. North  
 Minneapolis, Minnesota 55411

ST 7/17/84  
**DRAFT**

RE: MND 980-501-647  
 1608 Washington Avenue North  
 Minneapolis, Minnesota

Dear Mr. Rosen:

We have received your letter of February 21, 1984, responding to the request for a closure plan for this facility. We recognize that clean-up of the site will be accomplished under the requirements of the Stipulation Agreement that was signed August 23, 1983, between Union <sup>Scrap Iron</sup> and MPCA. Our purpose is to satisfy the regulations concerning the closure of this facility. You have specifically requested that this facility be exempt from the requirements for closure under RCRA because recycling operations are exempt from the regulations. We will grant the recycling exemption only after it is shown that the entire pile is recycleable. If it is not totally recycleable and must be disposed of in a hazardous waste facility, we will require a closure plan <sup>in accordance with</sup> according to RCRA regulations. Please inform us after the entire pile is recycled and we will process the withdrawal of the facility from the permitting procedure. <sup>any portion has been</sup>

Closure, rather than withdrawal, requires that you guarantee removal of all contamination or that you continue monitoring and maintaining the site so that the hazardous wastes would not affect any future use of the site or would migrate off-site. The content of the Stipulation Agreement would constitute an acceptable closure plan. In addition, a final post-closure plan may be required after site clean-up if a potential for environmental contamination would continue to exist.

The treatment unit may be subject to <sup>RCRA</sup> closure plan requirements, as relayed by Ken Skahn in the telephone call with Desyl Peterson on February 10, 1984. The treatment unit would be exempt if the entire pile is recycled because the treatment unit would have been part of the recycling operation. We recognize that the treatment unit has been removed from the site and that closure for the treatment unit would involve inclusion in the certificates of closure, if closure becomes required. <sup>if required,</sup>

Withdrawal from the RCRA permit process will, in no way, relieve you of complying with the Stipulation Agreement and Minnesota regulations, which do not recognize a recycling exemption from regulations. As the MPCA monitors your compliance with the Stipulation Agreement, they will keep us informed by the progress of your performance. <sup>a description in the plan of how the equipment and surrounding area were decontaminated.</sup>

<sup>I stated in my</sup> As Karl J. Klepitsch wrote in the letter to you dated January 25, 1984, the call-in of Part B of the hazardous waste facility permit application for this site has been rescinded. This rescission is based on removal of hazardous wastes from this facility by recycling according to the Stipulation Agreement. <sup>your company's commitment to remove</sup>

Please contact Gerald Lenssen of my staff at (312) 886-9288 if you have any questions.

(OVER)

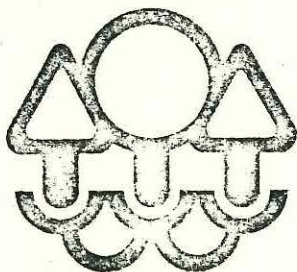
Sincerely,

Karl J. Klepitsch, Jr., Chief  
Waste Management Branch

cc: Steven A. Reed, MPCA  
Paul Klinge, MPCA

5HW-13:G.Lenssen:jt:7/17/84

DBAL



MND-022-94.192

MND 980-501-647

## Minnesota Pollution Control Agency

January 8, 1985

RECEIVED  
JAN 10 1985  
WASTE MANAGEMENT  
BRANCH

Mr. Richard Rosen  
Union Scrap Iron and Metal Company  
210 15th Avenue North  
Minneapolis, Minnesota 55411

Dear Mr. Rosen:

Re: August 23, 1983 Stipulation Agreement (Agreement) Between Union Scrap Iron and Metal Company (Company) and the Minnesota Pollution Control Agency (MPCA)

We have reached a point in the implementation of the Agreement between your Company and the MPCA where we have to review what has been accomplished and where we need to go. Most of the Agreement requirements for the Shafer site have been submitted, however, the important deadline for removal of the piles from the 16th Avenue site has not been met. As a result of a recent meeting of MPCA and Minnesota Department of Transportation (Mn/DOT) representatives and discussions with my staff, I feel it is necessary that I respond to the items your attorney proposed in a November 16, 1984 letter to the MPCA. The purpose of this letter is to summarize the factors we have considered in making our decisions and to provide you with information on what the MPCA feels are the next steps to clean up your Company sites.

### Shafer

Based on data contained in several reports and discussions with you, the following information is known about this site:

1. Soils in the location of the former building near TH-4 contained cadmium in excess of the Minnesota hazardous waste rules.
2. The Company agreed to conduct EP toxicity tests for cadmium on samples (from a depth of three feet) taken from the former location of the pit area. The MPCA subsequently learned that in demolishing the building, the Mn/DOT excavated the soils from the former pit area. You indicated you did not know where these soils were disposed.

Phone: \_\_\_\_\_

1935 West County Road B2, Roseville, Minnesota 55113-2785

Regional Offices • Duluth/Brainerd/Detroit Lakes/Marshall/Rochester

Equal Opportunity Employer



3. The lowest concentration of lead noted in all three monitoring wells is far above what would normally be expected from uncontaminated ground water. The MPCA continues to believe that the present well array does not allow for a comparison of ground water unaffected by the site to water quality downgradient of the site which may be contaminated.
4. In response to numbers 1 and 3 above, the Company has not submitted a remedial action plan which details the necessary ameliorative actions relative to soil and ground water contamination which may be reasonably attributable to the Company's activities. Instead, the Company has confined future monitoring at the site to the analysis of the ground water monitoring wells.

16th Avenue

The August 23, 1983 Agreement requires the removal of all out-of-door piles from this site within fifteen months of the effective date. As you know, the MPCA had requested that Mn/DOT provide a formal evaluation and decision on the Company's proposal to reuse the rubber chips in road construction. After a lengthy discussion on November 28, 1984 between MPCA staff and Mn/DOT bituminous engineers, F. C. Marshall, Mn/DOT Assistant Commissioner Technical Services Division, made it clear he would not approve your plan. This decision was based on a number of concerns, particularly Mn/DOT's concern about the future recyclability of the material. In addition, the Federal Highway Administration (FHWA) representative also indicated the FHWA would not approve the plan without additional requirements (such as additional leach and stability tests). Therefore, the MPCA no longer considers the plan described in Part B.2.g.2 and 3. (pages 20 and 21) of the August 23, 1983 Stipulation Agreement as a viable option for managing the rubber chips.

The MPCA has always maintained a firm position regarding removal of the piles as evidenced by the following letters:

1. October 26, 1983, "Paragraph B.2.f. (page 19) of the Stipulation Agreement requires that these piles be removed from the Washington Avenue site within fifteen months from the effective date of the Agreement and the MPCA does not recognize compliance with this deadline as being dependent upon the ability of Bituminous Roadway, Inc., to accept and utilize this waste."
2. March 12, 1984, "Finally as we have indicated before, we will expect the scrap piles to be completely removed by November 23, 1984 pursuant to the terms of the executed Stipulation Agreement."
3. August 6, 1984, "If the Mn/DOT still feels this is not an appropriate use of the rubber scrap, I am sure you are aware that alternative methods of removal will have been investigated and implemented by your Company soon in order that all of the scrap materials are completely removed by November 23, 1984."

4. October 11, 1984, "Since incorporation of the material into road base may not be an option, you should continue in your efforts to remove the waste piles from the 16th Avenue site by November 23, 1984 (as specified in the August 23, 1983 Stipulation Agreement)."

The MPCA certainly acknowledges your attempts to remove the piles. Even though the Company has processed some of the 16th Avenue site battery scrap at Poly Metal Products, and has pursued the option of using the rubber chips in road construction, unfortunately neither method has resulted in removal of the piles from the site.

Given the above information, the MPCA feels the following items are required in order to clean up your Company sites:

Shafer

The time has come to initiate discussions on a second Stipulation Agreement for this site. This second Agreement will assess a penalty commensurate with the degree of past noncompliance as well as require a remedial action plan which will address the following items:

1. More deep soil sampling in the former pit area, and
2. Cleaning up the contaminated ground water to drinking water standards.

The MPCA intends to contact Mn/DOT to determine where they disposed of the soils from the former pit area. The Company should continue sampling and analyzing the wells as required by the August 23, 1983 Agreement (with the addition of cadmium in the ground water analysis) and submit the monthly ground water evaluation reports to the MPCA.

MPCA staff feel that this second Agreement will be drafted and sent to the Company by mid-February, 1985.

16th Avenue

The MPCA staff acknowledges your efforts to remove the piles on this site, however, the Company has had ample opportunity to investigate and pursue options other than use in road construction. Therefore, we feel your one year extension request is inappropriate. Given that the deadline has been exceeded, liquidated damages, as described in the Agreement, in the amount of Three Hundred and Fifty Dollars (\$350) per week will begin to accrue as of January 14, 1985. Payment for the week of January 14 through 20, 1985 will be due January 25, 1985 with additional payments due every seven days thereafter until the piles are removed. Any payment should be made payable to the State of Minnesota and mailed to the MPCA to Michael Sommer's attention. Liquidated damages will not be assessed for the period of November 24, 1984 to January 13, 1985 during the time the MPCA was considering your November 16, 1984 extension request.

Mr. Richard Rosen  
Page Four

Upon removal of the piles, the Company shall proceed with the soil contamination investigation plan and possible ground water investigation as required by the August 23, 1983 Agreement.

One final item I would like to mention is that the MPCA has listed your Shafer site on the State's Superfund project list. Inclusion of the site on the State project list means that an investigation of the impacts of your site on the environment will be required by the MPCA in fiscal year 1985. Additionally, being included on the State Superfund project list serves as a notice to you as a responsible party for the site that if you are unwilling or unable to do the investigation or clean-up work needed at the site when requested to by the MPCA, the MPCA will conduct the necessary investigatory or clean-up work. The MPCA would then seek reimbursement of our costs from the responsible party(ies) once the work is completed.

You should contact Michael Sommer of my staff at 612/296-7270 to initiate discussions concerning the issues outlined in this letter.

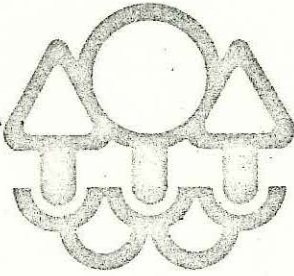
Sincerely,



Thomas J. Kalitowski  
Executive Director

TJK/ch

cc: Mr. G. Robert Johnson, Popham, Haik, Schnobrich, Kaufman and Doty, Ltd.  
Minneapolis  
Mr. Glenn Kiecker, Minneapolis Pollution Control Division, Minneapolis  
Mr. Ed Monteleone, Hennepin County, Minneapolis  
Ms. Rose Freeman, EPA, Chicago  
Mr. Richard Boice, EPA, Chicago  
Mr. Milt Knoll, Waste Management Board, Minneapolis  
Mr. Tom Johnson, Waste Management Board, Crystal  
Mr. Richard P. Braun, Mn/DOT, St. Paul  
Mr. Don Fleming, Mn/DOT, Golden Valley  
Mr. F. C. Marshall, Mn/DOT, St. Paul  
Mr. Richards Wolters, Mn/DOT, St. Paul



Minnesota Pollution Control Agency

August 6, 1984

Mr. Richard B. Rosén  
Union Scrap Iron and Metal Company  
210 - 15th Avenue North  
Minneapolis, Minnesota 55411

Dear Mr. Rosen:

Here is a copy of the letter I have sent to Richard D. Wolters, Minnesota Department of Transportation (MnDOT). Your attorney and the people identified on page two of the letter have also been sent copies.

I sent the report to MnDOT as the Minnesota Pollution Control Agency (MPCA) is concerned about the approaching Stipulation Agreement deadline at which time all the scrap materials are to be completely removed from the 1608 Washington Avenue North site. The MPCA certainly hopes your deal to sell the lead scrap pile is finalized shortly. Although the rubber chips have been processed, the MPCA is concerned with the amount of time/work that will be involved in completely removing the scrap piles.

I hope the report provides sufficient information to the MnDOT in order that a decision regarding the use of the rubber chips in road construction can be made shortly. If the MnDOT still feels this is not an appropriate use of the rubber scrap, I am sure you are aware that alternative methods of removal will have to be investigated and implemented by your company soon in order that all of the scrap materials are completely removed by November 23, 1984.

If I can provide further information concerning this matter, please let me know.

Sincerely,

*Michael E. Sommer*

Michael E. Sommer  
Hazardous Waste Enforcement Unit  
Regulatory Compliance Section  
Solid and Hazardous Waste Division

MES:pak

Enclosure

cc: See attached page for people who received carbon copies.

Phone: 612/296-7270

1935 West County Road B2, Roseville, Minnesota 55113-2785

Regional Offices • Duluth/Brainerd/Detroit Lakes/Marshall/Rochester

Equal Opportunity Employer

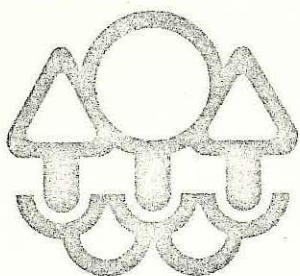
file 534 446

*See 8/16*

Mr. Richard B. Rosen  
Page Two

The following people received carbon copies:

cc: Mr. Glenn Kiecker, Minneapolis Pollution Control Division, Minneapolis  
Mr. Ed Monteleone, Hennepin County-Environmental Services Division, Hopkins  
Mr. Richard Dell, U.S. Environmental Protection Agency, Chicago  
Mr. Richard Boice, U.S. Environmental Protection Agency, Chicago  
Mr. Don Fleming, Minnesota Department of Transportation, Golden Valley  
Mr. G. Robert Johnson, Popham, Haik, Schnobrich, Kaufman & Doty, Ltd,  
Minneapolis



MND 980 501 647

## Minnesota Pollution Control Agency

AUG 15 1983

Mr. Richard Rosen  
General Manager  
Union Scrap Iron and Metal Company  
210 15th Avenue North  
Minneapolis, Minnesota 55411

RECEIVED  
AUG 18 1983  
WASTE MANAGEMENT  
BRANCH

Dear Mr. Rosen:

Re: Minnesota Pollution Control Agency Board Meeting - August 23, 1983

Enclosed please find a copy of the agenda for the August 23, 1983 Minnesota Pollution Control Agency (MPCA) Citizen's Board meeting and a copy of the agenda item for the Union Scrap Iron and Metal Company sites.

The Board will be requested to approve the stipulation agreement, should you sign it, or to authorize litigation should you not to sign.

You are formally requested to appear at this Board meeting on August 23, 1983 at the time noted on the agenda item. The MPCA Board will meet in the first floor conference room at 1935 West County Road B2, Roseville, Minnesota 55113.

If you have any questions, please contact me at 296-7279.

Sincerely,

*Paul Kluge for*

Larry Christensen, Supervisor  
Hazardous Waste Compliance and Enforcement Unit  
Regulatory Compliance Section  
Solid and Hazardous Waste Division

LPC/dc

Enclosures

cc: Mr. G. Robert Johnson, Popham, Haik, Schnobrich, Kaufman and Doty  
Mr. Mike Pliml, Metropolitan Waste Control Commission  
Mr. Kenneth Skahn, U.S. Environmental Protection Agency  
Mr. Richard Dell, U.S. Environmental Protection Agency  
Mr. Ivan Russell, Department Labor and Industry  
Mr. Don Fleming, Minnesota Department of Transportation  
Mr. Greg Lie, Hennepin County  
Mr. Lee Holden, Ramsey County  
Ms. Barbara Lindsey Sims, Special Assistant Attorney General

Phone: \_\_\_\_\_

1935 West County Road B2, Roseville, Minnesota 55113-2785

Regional Offices • Duluth/Brainerd/Detroit Lakes/Marshall/Rochester

Equal Opportunity Employer

**\*\* PLEASE NOTE: MEETING ON AUGUST 23, 1983 COMMENCES AT 8:15 A.M. !**

AGENDA

MINNESOTA POLLUTION CONTROL AGENCY  
Board Room of Office Building  
1935 West County Road B-2  
Roseville, Minnesota

August 23, 1983

8:15 A.M. I. GENERAL

1. Call to Order
2. Agenda Review and Adoption
3. Approval of Minutes of July 12 and July 26, 1983
4. Executive Director's Report
5. Legal Report
6. Legislative Report
7. Hazardous & Toxic Materials Committee Report
8. Items by the Agency Board Members

II. APPEARANCES AND OTHER SPECIAL DISCUSSION ITEMS

- 9:15 A.M. 9. APPEARANCE--Division of Water Quality--Consideration of Hearing Examiner's Report and Adoption of Amendments to WPC 34, the Rule for Administering the Construction Grants Program
- 10:15 A.M. 10. APPEARANCE--Division of Solid & Hazardous Waste--Request for Issuance of a Request for Response Action to Advance Circuits, Inc.; Electro-Fab, Inc.; Fabri-Tek, Inc.; and Sperry Corporation as They Relate to the St. Paul and Minneapolis Ecolotech Facilities
- 11:15 A.M. 11. APPEARANCE--Division of Solid & Hazardous Waste--Request for Issuance of a Request for Response Action to the United States Steel Corporation regarding Contamination at and around the U.S. Steel Site in Duluth

11:45 A.M. 12. APPEARANCE--Solid & Hazardous Waste Division--  
Request for Determination of No Response Regarding  
a Request for Response Action Previously Issued in  
the Isanti County Drum Burial Site Matter and  
Authorization to Expend State Superfund monies and  
Authorization to Negotiate and Execute Contracts to  
Provide Drinking Water

12:15 P.M.

-to- 1:15 P.M. -----LUNCH-----

1:15 P.M. 13. APPEARANCE--Solid & Hazardous Waste Division--  
Request for Approval of Stipulation Agreement  
covering Studies of Contamination of Two Sites  
or Request for Litigation Authority Against Union  
Scrap Iron and Metal Company, Inc., Minneapolis

2:00 P.M. 14. APPEARANCE--Solid & Hazardous Waste Division--  
Request for Revocation of Minnesota Solid Waste  
Disposal Facility Permit SW-59 and for Issuance of  
a Closure Order to Toivo William Kotila, Permittee,  
French Lake Sanitary Landfill, Wright County

2:30 P.M. 15. APPEARANCE--Division of Water Quality--Request for  
Approval of a Stipulation Agreement with Williams  
Pipe Line Company, Roseville

### III. WATER QUALITY

16. Request for Approval of Stipulation Agreement with  
Luoma Egg Ranch, Inc., Finlayson, Pine County

### IV. OFFICE OF PLANNING & REVIEW

17. Approval of Findings of Fact and Authorization to  
Issue a Negative Declaration on the EAW on the  
Bagley Alternative Energy Project

### V. SOLID & HAZARDOUS WASTE

18. Request for Authorization to Expend State Superfund  
Monies and Authorization to Negotiate and Execute  
Contracts for Removal and Remedial Actions at Above  
Ground Arsenic Sites

19. Request for Authorization to Expend State Superfund  
Monies and Authorization to Negotiate and Execute  
Contracts to Conduct a Remedial Investigation/  
Feasibility Study at Below Ground Arsenic Sites.

20. Request from the City of New Brighton for Authorization under the Superfund Act to construct a new Municipal Well
21. Request for Approval to Retain a Consultant for the Intrinsic Suitability Certification Process as it Relates to Underground Disposal or Hazardous Waste in Crystalline Bedrock.

#### VI. AIR QUALITY

22. Request for Approval of Amendment No. 1 to Total Facility Air Quality Operating Permit No. 202G-79-OT-2 for Allen S. King Generating Plant, Oak Park Heights
23. Request for Approval to Amend Stipulation Agreement with Fergus Falls State Hospital, Fergus Falls
24. Request for Authorization to Enter into the Noncontroversial Rulemaking Process to Amend 6 MCAR §4.0041 (Offset Rule)
25. Request for Redesignation of the Twin Cities Sulfur Dioxide Nonattainment Area
26. Request for Approval of Air Quality Stipulation Agreement with Boise Cascade Corporation, International Falls and Big Falls

#### VIII. FUTURE SCHEDULED MEETINGS

27. Regular Board Meeting

DATE : Tuesday, September 27, 1983  
TIME : 9:00 A.M.  
PLACE: Board Room of the Agency's Offices in Roseville

There will be a meeting of the Rules Committee on Monday August 22, 1983 from 3:00 P.M. to 5:00 P.M. in the Board Room of the Agency's Offices. Discussion will be on draft Rules relating to Hazardous Waste Generator Fees and Hazardous Waste Facility and Permit Fees.

"Agency items not indicated as Appearance items may be considered at any time during the meeting. If you wish to be heard or listen to discussion on any non-appearance item, please call the number listed below no later than three days prior to the meeting."

## MINNESOTA POLLUTION CONTROL AGENCY

## Agenda Item Control Sheet

Color Code:

Blue = DWQ

Yellow = DAQ

Green = DSHW

Pink = Other

Gold = Info

Agenda # \_\_\_\_\_

MEETING DATE: August 23, 1983APPEARANCE REQUESTED - YES: X NO: \_\_\_\_\_

SCHEDULED TIME: \_\_\_\_\_

PREPARED BY: Larry Christensen  
C. Bruce WilsonDATE PREPARED: August 1, 1983

DATE MAILED : \_\_\_\_\_

SUBJECT: Request for Approval of Stipulation Agreement Covering Studies of  
Contamination at Two Sites or Request for Litigation Authority Against  
Union Scrap Iron and Metal Company, Inc., MinneapolisLOCATION: Minneapolis Hennepin  
CITY COUNTY

## TYPE OF ACTION:

Permit _____	Request For Hearing _____	New _____
Stipulation <u>X</u> _____	Request for legal action _____	Modification _____
Contract _____	Variance request _____	Extension _____
Policy _____	Rulemaking _____	Revocation _____
Information _____	Administrative order _____	Other _____

## RECOMMENDED ACTION:

Issuance _____	Approval <u>X</u> or No action needed _____
Denial _____	Authorization <u>X</u>

## ISSUE STATEMENT:

The Union Scrap Iron and Metal Company, Inc. has operated a battery processing facility since about 1973 to present at 1608 Washington Avenue North and from 1973 to 1981 at 129 Plymouth Avenue North in downtown Minneapolis, Minnesota. Since 1973, the company has been on notice from several regulatory agencies for pollution violations. Due to many violations of state pollution regulations, the company was issued two notices of violation by the Minnesota Pollution Control Agency (MPCA). The staff and the company have been negotiating for 14 months a stipulation agreement for the site investigations and actions necessary to define contamination at both sites. Should the company sign the stipulation agreement prior to the Board meeting, the Board is requested to approve this stipulation agreement. If the company has not signed this stipulation agreement, the Board is requested to authorize litigation. Therefore, it is the recommendation of the staff that the Board grant the Chairman and the Executive Director the discretionary authority to either sign the negotiated stipulation agreement or to commence legal action against Union Scrap Iron and Metal Company, Inc., as appropriate.

## ATTACHMENTS:

1. 6 page memorandum with suggested staff resolution
2. Chronology of events
3. Proposed stipulation agreement

MINNESOTA POLLUTION CONTROL AGENCY  
Solid and Hazardous Waste Division  
Regulatory Compliance Section

Request for Approval of Stipulation Agreement Covering Studies of Contamination  
at Two Sites or Request for Litigation Authority Against Union Scrap Iron and  
Metal Company, Inc., Minneapolis

August 23, 1983

ISSUE STATEMENT

The Union Scrap Iron and Metal Company, Inc. has operated a battery processing facility since about 1973 to present at 1608 Washington Avenue North and from 1973 to 1981 at 129 Plymouth Avenue North in downtown Minneapolis, Minnesota. Since 1973, the company has been on notice from several regulatory agencies for pollution violations. Due to many violations of state pollution regulations, the company was issued two notices of violation by the Minnesota Pollution Control Agency (MPCA). The staff and the company have been negotiating for 14 months a stipulation agreement for the site investigations and actions necessary to define contamination at both sites. Should the company sign the stipulation agreement prior to the Board meeting, the Board is requested to approve this stipulation agreement. If the company has not signed this stipulation agreement, the Board is requested to authorize litigation. Therefore, it is the recommendation of the staff that the Board grant the Chairman and the Executive Director the discretionary authority to either sign the negotiated stipulation agreement or to commence legal action against Union Scrap Iron and Metal Company, Inc., as appropriate.

I. Background:

Union Scrap Iron and Metal Company, Inc. has operated and maintained a battery scrapping facility at 129 North Plymouth Avenue (called the Shafer site) and currently operates a battery fragment storage site at 1608 North Washington Avenue (called the 1608 site) in downtown Minneapolis.

A. 129 Plymouth Avenue North (Shafer site). The company operated a battery scrapping facility at the Shafer site from 1973 through 1981. The facility property was leased from the Minnesota Department of Transportation (MnDOT).

Since June 12, 1973, the company has been on notice from the MPCA, the Department of Labor and Industry, the city of Minneapolis, and the Metropolitan Waste Control Commission for pollution violations resulting from the company's operations at the Shafer site. Site operations involved the breaking or sawing open of wet batteries followed by the segregation of lead plates, battery cases,

and battery tops. Battery lead and fragments were stored in lugger boxes that resulted in the drainage of battery acids into the ground. Incidents of acid leakage into the ground and spillage reaching the sidewalks and Plymouth Avenue North and into both sanitary and storm sewers tributary to the Mississippi River have been repeatedly documented by several agencies. The company ended the Shafer site operations on or before March 6, 1981, which was the last day of the lease agreement between the company and MnDOT.

As a result of MPCA concerns, the company was required to undertake a Phase I study at the site in 1980. The Phase I study determined that the company had contaminated subsurface soils on the property with at least sulfate and acid as a result of leakage and handling and storage of batteries, battery fragments and acid. Previous sampling by regulatory agencies has also documented contamination by the company of soils and standing water near the site with lead and acid. At this time it is not known if ground water contamination has occurred. The company received an MPCA notice of violation on June 22, 1982 for violations of state hazardous waste regulations.

It was determined by the property owner, regulatory agencies, and the company that it was in the interests of public safety to demolish the building structure during the fall of 1982. Prior to demolition, the company scraped the building floors, excavated a trench area inside the north end of the building, and excavated approximately the top three inches of soil in the outside triangle on the south side of the site.

B. 1608 Washington Avenue North. The company has operated a battery fragment processing facility at the 1608 Washington Avenue North site (1608 site) since about 1973. Battery tops, lead fragments including fine particulates,

plastic, and rubber generated from company plants have been stored out-of-doors at the site since 1973. On-site operations also consisted of a fragment crushing and segregation operation whereby lead and plastic materials are removed and stored for resale. The rubber battery fragments were returned to out-of-door piles. These rubber fragments are hazardous wastes due to lead content. Over the past several years, the company has repeatedly stated to representatives of the city of Minneapolis, the Minnesota Department of Labor and Industry, the Minnesota Department of Health, and the MPCA that all out-of-door waste piles at the 1608 site would be removed in short order. The company has not prevented run-off, run-on, or leachate generation from this site and to date these piles have been in existence for nearly 10 years.

The company has been on notice from the MPCA and the city of Minneapolis for pollution violations since April 3, 1979 when lead debris was observed on the city streets and easements adjacent to the 1608 site. The MPCA issued the company a notice of violation for fugitive lead emissions on May 5, 1980. The company was also placed on notice on April 13, 1982 for violations of federal hazardous waste regulations concerning the handling, storage, and disposal of hazardous waste. A second notice of violation was issued to the company on June 22, 1982 for violations of analogous state hazardous waste regulations.

## II. Discussion:

A. 129 Plymouth Avenue North (Shafer Site). The staff is concerned that past operations at the company's Shafer site have caused soil and ground water pollution. This concern is based upon knowledge of past operations as well as the results of numerous samples taken by MPCA, city of Minneapolis, and Metropolitan Waste Control Commission personnel which have consistently shown low pH and high

lead values in the soils, surface run-off and in the sewer discharges. Additionally, subsurface soil pH was monitored in August, 1980 and showed a level of 1.0 pH units indicating very acidic conditions at a depth of 17 feet.

Since 1980, staff observations have identified additional sources of subsurface contamination. Two sanitary sewer connections in the Shafer site were noted to be completely deteriorated and thus allowed a direct discharge of waste process waters into the ground for an undetermined length of time. Sanitary sewers downgradient and adjacent to the Shafer site deteriorated and caused 2nd Street North to collapse on at least two occasions in 1982. It appears that the Shafer site was a major contributor of acid to this sewer (see attached chronology).

Additionally, there are areas of soil which have historically received battery acid run-off during battery processing. Lime was spread on the area in an attempt to neutralize the acid. Deteriorated sidewalks and street gutters leading from this battery breaking area also serve as indicators of potential problems. At this time the extent and nature of subsurface and surface lead, arsenic, acid, and sulfate contamination is not known and no ground water wells are available.

B. 1608 Washington Avenue North (1608 Site). Staff concerns regarding the 1608 site center around the extensive piles of lead, plastic, and rubber which are in out-of-door storage. These piles have been covered recently by tarps, however, in the past there were no provisions to prevent run-on, run-off, and leachate formation and currently additional measures are necessary. The staff have observed water run-off from the pile storage areas subsequent to rainfall. It has also been noted that trucks frequently use the property for temporary parking and

maneuvering and thus introduce pile contaminants onto the public streets. This parking area is frequently submerged in standing water.

The stipulation agreement that has been proposed with the company would require:

1. A study of surface and subsurface soil contamination at both sites looking for lead, arsenic, pH, and sulfate.
2. Installation of ground water monitoring wells and a study of upgradient and downgradient water quality at the Shafer site. Should soil studies at the 1608 site indicate a potential for ground water degradation, then ground water monitoring would also have to be completed.
3. A schedule and plan for the removal of all pile constituents from the 1608 site within 15 months.
4. Determination of necessary remedial actions to correct contaminations determined by the studies.

The company and the staff have considered many alternatives in negotiating study and remedial actions and the staff agreed to a two-phase approach to the situation. That is: 1) a study stipulation agreement to define the extent and magnitude of company caused contamination as well as defining remedial actions; and 2) a second agreement to implement necessary remedial actions. The first phase agreement would only establish a penalty for failure to comply with provisions of the agreement. The penalty relating to mismanagement of hazardous waste and contamination of the environment would be included in the phase two stipulation agreement. At that time the problem would be better defined and an appropriate penalty level could be set.

If the company has not signed the MPCA issued stipulation agreement, then the staff believes that litigation is necessary to compel compliance.

III. Conclusions:

Based upon the inspections and information discussed above, the MPCA staff alleges that Union Scrap Iron and Metal Company, Inc., which is operated by Mr. Richard Rosen, has repeatedly violated numerous provisions of Minnesota hazardous waste and water pollution regulations and statutes and may cause harm to the public health and the environment. The staff believe that after 14 months of negotiation, the company should sign the latest version of the MPCA issued stipulation agreement. If the company has not signed this stipulation agreement, then the staff believe that litigation is necessary to compel compliance in order to protect human health and the environment.

IV. Recommendation:

It is the recommendation of the staff that the Board authorize either the Chairman and the Executive Director to sign the stipulation agreement or the Executive Director to request the Attorney General to commence legal action against the Union Scrap Iron and Metal Company, Inc.

Suggested Staff Resolution

BE IT RESOLVED, that the Minnesota Pollution Control Agency authorizes either the Chairman and the Executive Director to sign the stipulation agreement or the Executive Director to request the Attorney General to commence legal action against the Union Scrap Iron and Metal Company, Inc., for the purposes of enforcing state statutes and Minnesota Pollution Control Agency hazardous waste rules.

ENFORCEMENT CHRONOLOGY OF UNION SCRAP IRON AND METAL COMPANY, INC.

Date	Site	Event	Agency
6-22-73	Shafer	Complaint: Acid onto sidewalks and street	Minneapolis Inspections Department
6-25-73	Shafer	Acid onto sidewalks and street	MPCA
8-13-73	Shafer	Complaint: Acid onto sidewalks and street	MPCA
1-18-74	Shafer	Complaint: Acid onto sidewalks and street	MPCA
9-20-74	Shafer	Complaint: Acid onto sidewalks and street and storm sewer	MPCA and Minneapolis
11-7-74	Shafer	Acid onto sidewalks and street	Minneapolis
3-12-75	Shafer	Inspection: Acid onto sidewalks and street	MPCA
4-21-75	Shafer	Improper sewer discharge and battery acid onto streets	MPCA
4-22-75	Shafer	Letter of noncompliance	Metropolitan Waste Control Commission (MWCC)
12-20-77	210-15th Avenue No.	Notice of Violation - incinerator	MPCA
8-28-78	Shafer	MPCA requests soil borings	MPCA
1-3-79	Shafer	Citation for acid being discharged into storm sewers	Minneapolis
4-3-79	1608	Citation for acid, lead, and debris in streets	Minneapolis
4-3-79	Shafer	Citation for acid on public streets	Minneapolis
8-31-79	1608	MPCA requests soil borings	MPCA
11-30-79	Shafer	MPCA requests hazardous waste facility permit completion	MPCA
3-20-80	Shafer	Acid down the sewer	Minneapolis
3-20-80 and 3-27-80	Shafer	Citations for acid discharges and lead discharges to the sewer	Minneapolis

Date	Site	Event	Agency
4-2-80	Shafer	Violation of sewer discharge regulations, summary of five years of noncompliance	MWCC
4-3-80	Shafer	City issues orders to clean the lead out of the city sewers, MWCC estimated 40-50 tons in sewers	Minneapolis
4-17-80	Shafer	The company performs soil borings	
4-29-80	Shafer	MPCA sampling confirms high lead levels	
5-5-80	1608	Notice of violation issued to the company for fugitive lead emissions	MPCA
8-13-80	1608	MPCA warning letter to company for continued fugitive dust violations for lead	MPCA
12-24-80	Shafer and 1608	Phase I study demonstrated high potential for soil and subsurface contamination	MPCA
1-20-81	1608	MPCA requests Phase II study	
3-23-81	1608	Citation for encroachment upon public property with lead contaminants	Minneapolis
4-13-82	1608	Warning letter for violation of federal hazardous waste regulations	MPCA/EPA
4-19-82	210-15th Avenue No.	Citation for encroachment upon public property	Minneapolis
5-20-82	Shafer	Citation for failure to comply with written orders	Minneapolis
6-18-82	1608	MPCA issues notice of violation to company for violation of state hazardous waste regulations	MPCA
10-13-82	Shafer	Building demolition	
5-24-82 through 7-18-83		The company and the MPCA have 13 stipulation agreement meetings in this time period	
6-1-83	210-15th Avenue No.	MPCA warns company of additional improper battery storage and informs company that litigation will be requested if agreement is not reached	MPCA
7-26-83		MPCA letter to company requesting stipulation agreement conclusion or litigation will be requested in August, 1983	MPCA

STATE OF MINNESOTA  
COUNTY OF RAMSEY

MINNESOTA POLLUTION  
CONTROL AGENCY

In the Matter of the Alleged  
Violation of Minnesota Statutes 115.061,  
116.081, and Minnesota Rules 6 MCAR §§4.6004,  
4.8022, 4.8014, and 4.9004 and 4.9010 by  
Union Scrap Iron and Metal Company

STIPULATION AGREEMENT

A. RECITALS

1. Parties. The parties to this Agreement are the Minnesota Pollution Control Agency, hereinafter the "Agency," and Union Scrap Iron and Metal Company, hereinafter the "Company."

2. Company Operation. The Company owns and operates a facility located at 1608 Washington Avenue North in Minneapolis, Minnesota and formerly operated a hazardous waste facility on leased land located at 129 Plymouth Avenue North in Minneapolis, Minnesota.

3. Agency Authority. The Agency is a statutory agency of the state of Minnesota charged with overall powers and duties to administer and enforce all laws, statutes, standards, rules, and stipulation agreements relating to the prevention, control, or abatement of water, air, noise, and land pollution and to the management, collection, treatment, transportation, storage, and disposal of solid and hazardous waste in the state. This authority is specifically described in Minnesota Statutes 115 and 116 (1982).

4. Rules. The Agency, after legal notice and hearing, has adopted and has filed in the Office of the Secretary of State, rules that have the force and effect of law and general application throughout the state of Minnesota.

5. Background.

a. 129 Plymouth Avenue North (Shafer Plant). The Company operated a battery scrapping facility at the Shafer Plant from 1973 through 1981. The scrapping operation involved processing nonreusable wet charge batteries for the purpose of recovering lead scrap and other by-products of the salvage. The facility property was leased from the Minnesota Department of Transportation (MnDOT).

Since June 12, 1973, the Company has been on notice from the Agency, the city of Minneapolis, and the Metropolitan Waste Control Commission for alleged pollution violations resulting from the Company's operations at the Shafer Plant. Plant operations involved the breaking or sawing open of wet batteries followed by the segregation of lead plates, battery cases, and battery tops. Battery lead and fragments were stored in lugger boxes that resulted in the drainage of some battery acids into the ground. Incidents of acid leakage into the ground and spillage reaching the sidewalks and Plymouth Avenue North and into both sanitary and storm sewers have been alleged by the aforementioned agencies. The Company replaced a corroded storm sewer basin.

The Company ended plant operations on or before March 6, 1981, which was the last day of the lease agreement between the Company and MnDOT.

As a result of Agency concerns, the Company was required to undertake a Phase I study at the site. The Phase I study determined that the Company had contaminated the surface soils and subsurface soils on the property with at least lead, sulfate, and acid as a result of leakage and handling and storage of batteries, battery fragments and acid. Previous sampling by regulatory agencies has also documented contamination by the Company of the surface waters near the plant with lead and acid. At this time it is not known if

ground water contamination has occurred. The Company received an Agency Notice of Violation on June 22, 1982 for violations of state hazardous waste regulations.

It was determined by the property owner, regulatory agencies, and the Company that it was in the interests of public safety to demolish the building structure during the fall of 1982. Prior to demolition, the Company requested that the structure's floors be scraped to remove potential accumulations of lead. The Company then completed the cleaning of the building floors, excavated a trench area inside the north end of the building, and excavated approximately the top three inches of soil in the outside triangle on the south side of the site. Said cleanup and excavated materials are being held in storage containers by the Company for use in the Company's Poly Metal Products Plant lead reclamation process.

b. 1608 Washington Avenue North. The Company has operated a battery fragment processing facility at the 1608 Washington Avenue North site (Washington Avenue Plant) since about 1973. Battery tops and fragments generated from Company plants have been stored out-of-doors at the site since 1973. On-site operations also consisted of a fragment crushing and segregation operation whereby lead and plastic materials are removed and stored for resale. The rubber battery fragments were returned to out-of-door piles.

The Company has been on notice from the Agency and the city of Minneapolis for alleged pollution violations since April 3, 1979 when lead debris were observed on the city streets and easements adjacent to the Washington Avenue Plant. The Agency issued the Company a Notice of Violation for fugitive lead emissions on May 5, 1980. The Company has also been placed

on notice by for alleged violations of federal hazardous waste regulations resulting from alleged improper handling, storage, and disposal of hazardous waste and for refusing to allow a U. S. EPA representative to sample the pile on-site. Another Notice of Violation was issued to the Company on June 22, 1982 for violations of state hazardous waste regulations.

6. Alleged Violations.

a. The Shafer Plant. The Agency alleges that in the operation of its Shafer Plant the Company has violated the following Minnesota statutes and rules:

- 1) 6 MCAR §4.6004 (Minn. Rule SW 4) states in part:

"Solid waste shall not be deposited at any intermediate or final solid waste disposal site in such a manner that material or leachings therefrom may cause pollution of ground or surface waters.

"A person shall make an intermediate or final disposal of any solid waste only at a site or facility for which a permit has been issued by the Agency unless otherwise provided by these regulations."

Minnesota Rule SW 4, prior to June 18, 1979, further provided:

"Disposal of toxic and hazardous wastes shall be in a safe and pollution-free manner and in compliance with the regulations of federal, state and local governments and their regulatory agencies."

The Agency alleges that the Company disposed of solid and toxic and hazardous waste in a manner that does not comply with the provisions of this rule.

- 2) 6 MCAR §4.8022 (d)(2),(3), and (4) state:

"(2) No sewage, industrial waste, other waste, or other pollutants shall be allowed to be discharged to the unsaturated zone or deposited in such place, manner or quantity that the effluent or residue therefrom upon reaching the water table, may actually or potentially

preclude or limit the use of the underground waters as a potable water supply, nor shall any such discharge or deposit be allowed which may pollute the underground waters. All such possible sources of pollutants shall be monitored at the discharger's expense as directed by the Agency.

"(3) Treatment, safeguards or other control measures shall be provided by the person responsible for any sewage, industrial waste, other waste, or other pollutants which are to be or have been discharged to the unsaturated zone or deposited there, or which have been discharged to the zone of saturation, to the extent necessary to ensure that the same will not constitute or continue to be a source of pollution of the underground waters or impair the natural quality thereof.

"(4) Toxic pollutants including but not limited to, radioactive substances, chemicals, metals, solvents, petroleum products, plating wastes, and acids and bases, shall not be discharged or deposited in any manner such as to endanger the quality or uses of the underground waters."

The Agency alleges that the Company did not have the proper containment safeguards for the handling of toxic wastes and thereby caused pollutants to be deposited in violation of the provisions of this rule.

3) Minnesota Statute §115.061 (1980) states:

"115.061 DUTY TO NOTIFY AND AVOID WATER POLLUTION. It is the duty of every person to notify the agency immediately of the discharge, accidental or otherwise, of any substance or material under its control which, if not recovered, may cause pollution of waters of the state, and the responsible person shall recover as rapidly and as thoroughly as possible such substance or material and take immediately such other action as may be reasonably possible to minimize or abate pollution of waters of the state caused thereby."

The Agency alleges that the Company repeatedly discharged hazardous wastes from its operations and failed to recover the hazardous wastes in violation of the provisions of this statute.

4) 6 MCAR §4.9010 A and B state:

"A. Duty to report. Any person who owns, has possession of, or otherwise has control of a hazardous waste that spills, leaks or otherwise escapes from a container, vehicle tank, storage tank, portable tank or other containment system, including its associated piping, shall immediately notify the agency if the hazardous waste may cause pollution of the air, land, or waters of the state. The person shall use, when applicable, the agency's 24-hour telephone notification service.

B. Duty to recover. Any person who owns, has possession of, or otherwise has control of a hazardous waste that spills, leaks, or otherwise escapes from a container, vehicle tank, storage tank, or other containment system, including its associated piping, shall recover the hazardous wastes as rapidly and as thoroughly as possible and shall immediately take such other action as may be reasonably possible to protect human life and health and minimize or abate pollution of the water, air or land resources of the state caused thereby."

The Agency alleges that the Company failed to report and recover hazardous wastes that were spilled or leaked from containers, containment systems and associated piping in violation of the provisions of this rule.

5) 6 MCAR §4.8014 (c)(13) states in part:

"No sewage, industrial waste or other wastes shall be discharged into the intrastate waters of the state in such quantity or in such manner alone or in combination with other substances as to cause pollution thereof as defined by law."

The Agency alleges that the Company deposited wastes on Company property which may have been discharged or which may potentially be discharging to the Mississippi River.

6) Minnesota Statute §116.081 Subdivision 1 (1980) states in part:

"116.081 PROHIBITIONS. Subdivision 1. Obtain Permit. It shall be unlawful for any person to construct, install or operate an emission facility, air contaminant treatment facility, treatment facility, potential air contaminant storage facility, storage facility, or system or facility related to the collection, transportation, storage, or disposal of solid waste, or any part thereof unless

otherwise exempted by any agency regulation now in force or hereinafter adopted, until plans therefor shall have been submitted to the agency, and a written permit therefor shall have been granted by the agency. The requirements of this section shall not be applied to motor vehicles."

The Agency alleges that the Company established and operated a hazardous waste facility without filing the required permit applications with the Agency.

7) 6 MCAR §4.9004 C. 5(d) states in part:

"d. The facility operator shall not dispose of hazardous wastes in a manner that contaminates the soil unless such disposal is authorized in a Hazardous Waste Facility Permit."

The Agency alleges that the Company contaminated the soil with hazardous waste without Agency permit authority.

8) 6 MCAR §4.9004 C.1. states in part:

"a. The facility operator shall prepare procedures for personnel to follow in the case of spills of hazardous wastes and in the case of fire and other emergencies. The facility operator shall post these procedures in a conspicuous place at the facility site.

"b. The facility operator shall have safety equipment available at the facility site for use during spills, fires and other emergencies.

"c. The facility operator shall have available at all times written procedures for handling spills, fires and other emergencies. The facility operator shall train and instruct all personnel at the facility site in these procedures. The facility operator shall maintain records of the training and instruction programs that are held.

"d. The facility operator shall construct and begin operating a site monitoring system that is approved by the agency as adequate to determine the effect of the facility on the soil, ground water and air before accepting or storing any hazardous waste at the facility.

"e. The facility operator shall control access to the facility by the use of fences, gates, locks and other similar

methods and allow access only to persons who are knowledgeable in the safety and emergency procedures needed for handling the hazardous waste. The facility operator shall provide security against unauthorized entry onto the site....

"i. The facility operator shall prevent the discharge of hazardous waste from the facility to the surface waters or ground waters of the state. The facility operator shall prevent hazardous waste from entering drains, sewer inlets, storm sewers, sanitary sewers, doorways, vents, tunnels, pipes, windows or areas with permeable earth or soil floors."

The Agency alleges that the Company operated a hazardous waste facility without complying with the provisions of this rule.

b. The Washington Avenue Plant. The Agency alleges that in the operation of its Washington Avenue Plant the Company has violated the following Minnesota statutes and rules:

- 1) Minnesota Statute §115.061 (1980) is stated in part on page 6 of this Agreement.

The Agency alleges that the Company has repeatedly discharged hazardous wastes from its operations and failed to recover and provide adequate safeguards for the prevention of hazardous waste discharges from its facility in violation of the provisions of this statute.

- 2) 6 MCAR §4.6004 (Minnesota Rule SW 4) is stated in part on page 4 of this Agreement.

The Agency alleges that the Company disposed of solid and toxic and hazardous waste in a manner that does not comply with the provisions of this rule.

- 3) 6 MCAR §4.8022 (d)(2), (3), and (4) is stated, in part, on page 5 of this Agreement.

The Agency alleges that the Company has not complied with the provisions of this rule.

4) Minnesota Statute §116.081 Subdivision 1 (1980) is stated in part on page 7.

The Agency alleges that the Company has violated the provisions of this statute.

5) 6 MCAR §4.9004 C.1. states in part:

"C. Hazardous waste facility operation.

1. General. No person shall operate a hazardous waste facility except in conformance with the following requirements:

a. The facility operator shall prepare procedures for personnel to follow in the case of spills of hazardous waste and in the case of fire and other emergencies. The facility operator shall post these procedures in a conspicuous place at the facility site.

b. The facility operator shall have safety equipment available at the facility site for use during spills, fires and other emergencies.

c. The facility operator shall have available at all times written procedures for handling spills, fires and other emergencies. The facility operator shall train and instruct all personnel at the facility site in these procedures. The facility operator shall maintain records on the training and instruction programs that are held.

d. The facility operator shall construct and begin operating a site monitoring system that is approved by the agency as adequate to determine the effect of the facility on the soil, ground water and air before accepting or storing any hazardous waste at the facility.

e. The facility operator shall control access to the facility by the use of fences, gates, locks and other similar methods and allow access

only to persons who are knowledgeable in the safety and emergency procedures needed for handling the hazardous waste. The facility operator shall provide security against unauthorized entry onto the site...

h. The facility operator shall not allow scavenging at the facility.

i. The facility operator shall prevent the discharge of hazardous waste from the facility to the surface waters or ground waters of the state. The facility operator shall prevent hazardous waste from entering drains, sewer inlets, storm sewers, sanitary sewers, doorways, vents, tunnels, pipes, windows or areas with permeable earth or soil floors."

The Agency alleges that the Company has been operating a hazardous waste facility without complying with the provisions of this rule.

6) 6 MCAR §4.9004 C.3. states:

"c. The facility operator shall store hazardous waste in containers and tanks in a manner such that the facility operator can locate any shipment of hazardous waste and any hazardous waste from any particular generator stored on the site.

d. The facility operator shall store hazardous waste in containers and tanks that are located out-of-doors only within a liner and dike system which meets the following requirements:

(1) The liner and dike system shall have a permeability rate no greater than  $10^{-7}$  centimeters per second when being subjected to a head of one foot of water and shall be of a composition that will not increase in permeability as a result of contact with hazardous waste.

(2) The liner and dike system shall be constructed so as to hold a volume equal to the volume of the largest storage tank plus the total capacity of all containers and portable tanks plus one foot of freeboard.

(3) The interface between the dike and underlying liner shall be constructed so as to provide a seal against movement of hazardous waste or solutions thereof.

(4) The dike shall be constructed in a manner that provides necessary ramps for vehicles needing access to the storage areas."

The Agency alleges that the Company has been operating a hazardous waste facility without complying with the provisions of this hazardous waste facility rule.

7) Minn. Rule APC 6 states in part:

"(a) No person shall cause or permit the handling, use, transporting, or storage of any material in a manner which may allow avoidable amounts of particulate matter to become air-borne.

(b) No person shall cause or permit a building or appurtenances or a road, or a driveway, or an open area to be constructed, used, repaired or demolished without applying all such reasonable measures as may be required to prevent particulate matter from becoming air-borne. The Director may require such reasonable measures as may be necessary to prevent particulate matter from becoming air-borne including, but not limited to, paving or frequent clearing of roads, driveways and parking lots; application of dust-free surfaces; application of water; and the planting and maintenance of vegetative ground cover."

The Agency alleges that the Company has allowed avoidable amounts of particulate matter to become air-borne in violation of the provisions of this rule.

7. Company Denial. The Company denies each and every allegation set forth herein and nothing contained herein shall be construed as an admission of any allegation or admission of liability.

8. Purpose of Agreement. The purpose of this Agreement is to: 1) Identify the study requirements that will be prerequisite to defining the extent, if any, of soil and ground water contaminations at both Company sites; 2) (Plan and implement a schedule to remove all piles in out-of-door storage at 1608 Washington Avenue North); 3) Define an Agency approved method for recycling of rubber fragments currently in out-of-door storage at the Washington Avenue Plant; and 4) To assist in identifying remedial actions, if any, necessary to correct contamination resulting from Company operations. A schedule and plan for the corrective actions, if any, to be performed by the Company will be defined in a second stipulation agreement following the submission of information and plans required by this Agreement, but nothing herein shall prevent the Company from undertaking such approved remedial action as may be appropriate prior to the finalization of such Stipulation Agreement. This Stipulation Agreement shall not resolve the violations alleged in Section A.6.

## B. AGREEMENT

NOW, THEREFORE, it is hereby agreed and stipulated as follows:

1. Definition. For the purposes of this Agreement, the following terms have the meanings given:

a. Contaminated soils means soils that:

- 1) Exhibit the characteristic of corrosivity as defined in 6 MCAR §4.9001 or 40 C.F.R. §261.22; and/or
- 2) Exhibit the characteristic of EP Toxicity as defined in 40 C.F.R. §261.24 for cadmium, lead, or arsenic; and/or
- 3) Contain total concentrations of lead such that the soil would be classified as hazardous pursuant to 6 MCAR §4.9002.

b. Director means the Director of Solid and Hazardous Waste Division of the Agency.

c. Rubber fragments means those fragments that have been generated from battery reclamation operations and are segregated from lead and plastic materials. The Company has estimated that about 1,000 tons of rubber fragments are in out-of-door piles stored at its Washington Avenue Plant at the time of execution of this Agreement.

2. Company Responsibilities. The Company agrees to implement the following program at the Shafer Plant and at the Washington Avenue Plant.

a. Consultant. Within 15 days after the effective date of this Agreement, the Company shall retain the services of an experienced consultant to provide the Company with the technical expertise to perform the tasks set forth in parts B.2.b. - B.2.1. of this Agreement. All site closure plans specifications must be submitted by a professional engineer registered in the state of Minnesota.

b. Soil and Ground Water Contamination Investigation Plan, Shafer Plant. Within 30 working days of the effective date of this Agreement the Company shall submit to the Director a written plan to investigate the extent of horizontal and vertical soil and ground water contamination, if any, resulting from the Company's past activities at the Shafer Plant. The plan shall include the following:

1. A proposed plan and schedule for soil sampling and analysis. The plan will be completed within 30 days after receipt of the Director's approval of the plan. The plan shall provide for sampling and analysis of the following on-site soils to determine if they are contaminated soils as

defined in this Agreement:

a) Five soil borings shall be performed and sampled at approved intervals from the surface to the ground water table. (These five boring areas shall include four areas) defined by the Company as:

1) The two outdoor areas used for battery storage which received spillage and drainage from batteries and fragments;

2) Indoor areas which were used to crush batteries and treat acid; and

3) The two underground areas where it is probable that corrosive process waters and wastes have corroded sanitary sewers to the extent of releasing waste water into the ground.

b) The first 12 inches of soil over the remaining outdoor portion of the site using representative sampling methods which will identify the presence or absence of contaminated soils; and

c) The soils underlying the first 12 inches of soil where the first 12 inches are contaminated soils. Soil inspections shall continue in 12 inch lifts for the first three feet and then in two foot lifts thereafter until the extent of vertical and horizontal contamination attributable to the Company has been identified, but nothing herein shall prevent the Company at its option from inspecting and analyzing soil layers by lifts less than the specified vertical dimensions;

2. A description of procedures to be used for the sampling and laboratory analysis of soils. These procedures shall include methods for the collection of soil samples, the laboratory's analytical methods, detection limits and quality assurance programs.

3. A description of procedures for proper closure and grouting of soil boring sites.

4. A proposed plan for installation of a minimum of three monitoring wells into the first surficial drift aquifer beneath the site. The monitoring wells shall be screened three to five feet into the top of this aquifer. The wells shall be located so that at least one will monitor the ground water entering the site (upgradient well) and at least two wells monitor the ground water leaving the site (downgradient wells). The plan shall provide for installation of the monitoring wells within 30 days after receipt of the approval of the plan by the Director.

5. A description of procedures to be used for well construction and installation, ground water sampling, and laboratory analysis of the three monitoring wells, and statement as to the frequency of ground water sampling. Frequency of sampling shall be not less than quarterly for at least one year after installation, and the first sampling shall take place within seven days of completion of installation of the monitoring wells. The samples shall be analyzed for pH, lead, arsenic, and sulfate concentrations. These procedures shall include the methods for collection and preservation of samples, the laboratory's analytical methods, quality assurance program, and the format for the reporting of analytical results to the Director. A statement of the laboratory's projected detection limits is also required. The Director shall have the option to split water samples with the Company for analysis by the Minnesota Department of Health.

6. A plan as to when ground water monitoring can be discontinued. In no event shall ground water monitoring be discontinued

before one annual series of quarterly sampling has been completed. The plan may provide that if the results of one year of quarterly ground water monitoring show no degradation of the downgradient water quality which may be reasonably attributable to the Company when compared to the respective upgradient well water quality, then the Company may upon 30 days written notice to the Director, discontinue the monitoring program.

7. A description of procedures for the abandonment of the water monitoring wells in accordance with 7 MCAR §1.218, Minnesota Department of Health Water Well Construction Code.

c. Implementation of Soil and Ground Water Contamination Investigation Plan, Shafer Plant. Upon receipt of notification by the Director of approval of the soil and ground water investigation plan, the Company shall implement the plan.

d. Reporting Requirements, Shafer Plant.

1. Soil Contamination Investigation Report. Within 30 days of the Company's receipt of the analytical data obtained from the soil contamination investigation, the Company shall submit a written report of the results to the Director. The report shall include the following:

a) Results of the soil inspections, including a drawing of the site to a suitable scale depicting all soil sampling locations;

b) Soil sampling analytical results, including test procedure identification and laboratory test precision;

c) A conclusion as to the extent and degree of soil contamination over the site, detailing estimated soil volumes with horizontal and vertical dimensions;

- d) A discussion of all analytical discrepancies;
- e) A summary and conclusion including all relevant scientific and professional observations necessary to define the potential impacts of measured soil contamination.

2. Ground Water Contamination Investigation Report.

The Company shall report the results of its ground water contamination investigation as follows:

a) Report After First Sampling. Within 30 days of the Company's receipt of the analytical data obtained from the first ground water sampling, the Company shall submit a written report of the results to the Director. The Report shall include the following:

1) A description of the ground water characteristics beneath the site, including the watertable depth(s), most probable water flow direction(s), and significant confining layers, if any, including permeabilities.

2) Ground water sampling analytical results, including any analytical discrepancies, test procedure identification, and laboratory precision and accuracy data; and

3) A conclusion as to the extent and degree of ground water contamination comparing measured ground water constituent concentrations to drinking water standards listed in 6 MCAR §4.8014(D)(1) and compared to upgradient ground water quality.

b) Reports After Subsequent Sampling. Within 20 days of the Company's receipt of the analytical data obtained from ground water sampling done after the first sampling, the Company shall submit a

written report of the results to the Director. The report shall include the following:

- 1) Ground water sampling analytical results, test procedure identification, and laboratory precision and accuracy data;
- 2) A discussion of any analytical discrepancies; and
- 3) A written conclusion of the extent and degree of ground water contamination, comparing measured ground water constituent concentrations to drinking water standards set forth in 6 MCAR §4.8014(D)(1) and compared to upgradient ground water quality.

e. Remedial Action Plan, Shafer Plant. Within 45 days after the submission of the ground water contamination report required by Part B.2.d.2.a) of this Agreement, the Company shall submit for the Director's approval a proposed remedial action plan detailing the necessary ameliorative actions relative to soil and water contamination which may be reasonably attributable to the Company's activities at the Shafer Plant. All Company activities provided for in the plan shall comply with all applicable rules of the Agency and all regulations of the U.S. EPA.

The plan shall include the following:

1. A plan and schedule for the removal, if necessary, of contaminated soils on the site, specifying excavation volumes and excavation methods. (This plan shall include record keeping provisions that identify the dates, volumes and disposal, storage or treatment fates of all soils moved off-site.)

2. A plan and schedule for the proper disposal and/or storage of excavated soils.

3. A description of precautions to be taken to minimize the amounts of air-borne contaminated soils and fugitive dust generated during excavation, transport and disposal activities and to protect personnel from the hazard of handling the excavated soils during implementation of this plan.

4. A description of a method of filling in of soil excavation sites. Unless otherwise appropriate by reason of future use of the site, soil excavation areas shall be backfilled with soils more impervious than the excavated soils and landscaped to promote runoff; and

5. Identification of the temporary storage location(s) for excavated soils which may be processed for lead reclamation in the Company's Poly Metal Products Plant in St. Paul.

f. Piles at Washington Avenue Plant. The Company shall not place any additional materials in the piles at the Washington Avenue Plant until such time as: 1) the nature of potential soil and ground water contamination at the site is defined; and 2) the facility is constructed in accordance with 6 MCAR §4.9004 to prevent the generation of leachate, water run-on and run-off, and fugitive dust emissions which cause violation of applicable hazardous waste and air quality standards. Within thirty days after the effective date of this Agreement, the Company shall submit to the Director, for approval, a written plan and schedule for the expeditious removal of the piles. The plan shall provide for the removal of all out-of-door piles within (fifteen (15) months) of the effective date of this Agreement. (This plan shall also include

record keeping provisions so that detailed records are maintained for all shipments going to all off-site locations which specify dates, quantities and treatment, storage or disposal fates.) Upon receipt of notification by the Director of approval of the waste pile removal plan, the Company shall implement the plan.

g. Reuse of Rubber Fragments, Washington Avenue Plant. The Company shall implement the Director approved schedule and plan to remove and reuse all of the rubber fragments accumulated at the Washington Avenue Plant.

1. The Company shall process the rubber fragment piles from its Washington Avenue Plant as expeditiously as possible by sieving all rubber fragments through a number 10 mechanical sieving device. The Company shall place all lead particulates from the sieving into containers and shall store such containers in doors until the contents are sold as lead scrap or are reprocessed for sale. The Company shall employ suitable precautions to prevent the generation of air-borne emissions and fugitive dust which cause violation of applicable air standards during all phases of the handling of the rubber fragments.

2. The Company shall not store the processed rubber fragments at the Washington Avenue Plant and all fragments shall be removed within one year from the effective date of this Agreement.

3. Up to 1,000 tons of any processed rubber fragments may be used in road construction as asphalt road base course asphalt (black base) with a maximum blend of 5 to 10 percent, by volume, of the total base course in the base layer. The Company shall not sell rubber fragments for incorporation into asphalt unless the purchaser has obtained all necessary Agency permits relevant to the use of rubber fragments in asphalt. Two working days prior to the commencement incorporation of rubber fragments into asphalt, the Company shall notify the

Director of the intention to do so.

4. When rubber-fragment asphalt road base course material is used in road construction, it shall be covered by three inches of asphalt containing no rubber fragments. Ten days prior to incorporating any rubber-fragment asphalt road base course material into a road, the Company shall notify the Director of the intention to do so.

h. Soil Contamination Investigation Plan, Washington Avenue Plant. Within 30 days of the effective date of the Agreement the Company shall submit to the Director a written plan to investigate the extent of horizontal and vertical soil contamination that has resulted from the Company's past activities at the Washington Avenue Plant. The plan may provide for different phases of the investigation based on the timing of the elimination of waste piles at the site. The plan shall include the following:

1. A proposed plan and schedule for soil sampling and analysis, to be completed within 180 days after approval of the plan by the Director. The plan shall provide for sampling and analysis of the following soils:

a) The first 12 inches of soil over the entire site using representative sampling methods which will identify the presence or absence of contaminated soils; and

b) Soils underlying the first 12 inches of soil where the first 12 inches are contaminated soils. Soil inspections shall continue in 12 inch lifts for the first three feet and then in two foot lifts thereafter until the extent of vertical and horizontal contamination attributable to the Company has been identified, but nothing herein shall prevent the Company at

its option from conducting additional inspections and analyses of soil layers by lifts less than the specified vertical dimensions;

2. A description of procedures to be used for the sampling and laboratory analysis of soils. These procedures shall include methods for the collection of soil samples, the laboratory's analytical methods, detection limits and quality assurance programs; and

3. A description of procedures to be used for proper closure and grouting of soil boring sites.

i. Implementation of Soil Contamination Investigation Plan, Washington Avenue Plant. Upon receipt of notification by the Director of approval of the soil contamination investigation plan for the Washington Avenue Plant, the Company shall implement the plan.

i. Reporting Requirements, Washington Avenue Plant.

1. Soil Contamination Investigation Report.

Within 30 days of the Company's receipt of the analytical data obtained from the soil contamination investigation, the Company shall submit a written report of the results to the Director. The report shall include the following:

a) Results of the soil inspections, including a drawing of the site to a suitable scale depicting all soil sampling locations;

b) Soil sampling analytical results, including test procedure identification and laboratory test precision;

c) A conclusion as to the extent and degree of soil contamination over the site, detailing estimated soil volumes with horizontal and vertical dimensions;

d) A discussion of all analytical discrepancies;

e) A summary and conclusion including all relevant scientific and professional observations necessary to define the potential impacts of measured soil contamination.

f) A conclusion as to the probability that ground water contamination has resulted from the contamination of soils.

k. Ground Water Contamination Investigation Plan, Washington Avenue Plant. If the results of the soil contamination investigation demonstrate that ground water contamination attributable to the Company is likely to have reached the first surficial drift aquifer beneath the Washington Avenue Plant, the Company shall submit to the Director a proposed plan for monitoring the aquifer within sixty (60) days of notification by the Director. The plan shall contain the same elements as the ground water contamination investigation plan which the Company is required by Parts B.2.b.4.-7. of this Agreement to prepare for its Shafer Plant.

l. Ground Water Contamination Investigation Report. The Company shall report the results of its ground water contamination investigation in the manner set forth in Part B.2.d. of this Agreement.

m. Liquidated Damages. The Company shall pay into the Environmental Response, Compensation and Compliance Fund of the Treasury of the State of Minnesota the sum of Five Hundred Dollars (\$500.00) for each week or portion thereof that the Company is in violation of any provisions of this Agreement.

n. Documentation of Shafer Plant Site Access Permission.

[The Company shall submit documentation showing that the Company has obtained authorization from the the property owner to carry out the activities described in all plans and such authorization shall not include terms or provisions unacceptable to the Company. Should the property owner impose conditions or terms unacceptable to the Company, then the Company shall forward written documentation of the unacceptable provisions to the Director immediately upon occurrence.]

3. Agency. In consideration of the Company's performance of the terms, covenants, and agreements contained herein, the Agency agrees that, during the period between the effective date of this Agreement and its termination date, the Agency shall not take additional enforcement action against the Company for the violations of Minnesota statutes and rules alleged in part A.6. of this Agreement, so long as the Company is in compliance with the terms of this Agreement. The parties recognize that upon the termination of the Agreement, the Agency will have the option to pursue any of the remedies available to it pursuant to Minnesota Statute §115.071, Subdivision 1 (1982) to enforce the Minnesota statutes and rules listed in Part A.6. of this Agreement.

4. General Conditions.

a. Remedies of the Parties. The terms of this Agreement shall be legally enforceable by either party in a court of competent jurisdiction and each of the parties retains the right to assert any legal, equitable, or administrative right of action or defense which may be available by law in order to implement or enforce the terms of this Agreement.

b. Liability and Obligation. Except as specifically set forth in paragraph B.2. of this Agreement, this Agreement shall not release the Company from any liability or obligation imposed by Minnesota statutes, rules or local ordinances now in effect or which may be adopted in the future.

c. Additional Efforts. Nothing in this Agreement shall preclude the Agency from exercising any administrative, legal and equitable remedies available to it to require additional efforts by the Company in the event that the implementation of section B.2. is not adequate to achieve compliance with Minnesota hazardous waste rules.

d. Agency Monitoring. The Company shall allow the Agency or any authorized member, employee or agent thereof, upon presentation of credentials, access at reasonable times to the Company's property and facilities to obtain such information and documentation as authorized by appropriate Minnesota Statutes which is relevant to making a determination that the Company is in compliance with the terms of this Agreement.

e. Emergency Powers. Nothing in this Agreement shall prevent the Agency from exercising its emergency powers pursuant to Minnesota Statute §116.11 (1980) in the event conditions warranting action should arise.

f. Successors. This Agreement shall be binding upon the Company, its successors and assigns, and upon the Agency, its successors and assigns.

g. Continuing Company Obligation. Should the Company sell or otherwise convey or assign any of its right, title or interest in the facilities described in paragraph A.2., such sale or other conveyance shall not release the Company from any obligation imposed by this Agreement, unless the party to whom the right, title or interest has been transferred or assigned agrees in

writing to fulfill the obligations of this Agreement and the Agency approves such transfer or assignment.

h. Amendments. This Agreement may be amended at any time by written agreement of the parties.

i. Extension of Time. The Director shall grant extensions of time schedules stated herein in the event the Company demonstrates good cause to the Director for granting such extensions. Such extensions shall be commensurate with the delays involved.

j. Effective Date. This Agreement shall be effective upon the date it is signed by the last signatory hereto.

k. Termination. This Agreement shall terminate 30 days after the completion of the last obligation of the Company set forth herein but in no case shall the Agreement extend beyond eighteen (18) months from the Agreement effective date.

UNION SCRAP IRON AND METAL COMPANY

MINNESOTA POLLUTION CONTROL AGENCY

By \_\_\_\_\_

By \_\_\_\_\_  
Cynthia Jepsen  
Chairperson

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

By \_\_\_\_\_  
Sandra S. Gardebring  
Executive Director

Dated: \_\_\_\_\_

JUL 18 1983

5M-13

Richard B. Rosen, General Manager  
Union Scrap Iron & Metal Company  
210 Fifteenth Avenue North  
Minneapolis, Minnesota 55411

RE: MND 980 501 647  
(Previously MNT 280 010 265)  
Union Scrap Iron & Metal Co.  
1608 Washington Avenue North  
Minneapolis, Minnesota

Dear Mr. Rosen:

We have reviewed your May 10, 1983, letter advising that your attorney is close to finalization of the agreement being negotiated with the Minnesota Pollution Control Agency (MPCA). The due date for submittal of the Hazardous Waste Permit Application, Part B, for the above-referenced facility was previously extended to May 1, 1983, because the agreement was to contain a provision which would allow exemption from regulation through recycling of the material in the waste pile, obviating the need for a Part B submittal.

We have been in contact with the MPCA and have waited until the conclusion of negotiations between MPCA and your firm (which were held on July 6, 1983) to determine whether the latest draft of the agreement was acceptable to both sides. To date the agreement remains unsigned.

Proposed regulations regarding recycling were published in the Federal Register on April 4, 1983, and I have enclosed a copy of them for your information. Speculative accumulation and the accumulation of secondary materials for one year without 75% of the material being recycled during that time are activities applicable to your facility that are specifically addressed in the proposed rules. Since the lack of an agreement with the MPCA prevents the use of the material in the hazardous waste pile as a substitute for roadway base material, your facility remains subject to RCRA hazardous waste permitting requirements and, should the proposed rule changes become effective, both the waste pile and the pile of scrap "raw material" would be regulated units based on the past history of your operations.

Since the waste pile remains a regulated hazardous waste unit, a Part B must be submitted. In order to give you time to prepare the submittal, we hereby grant one final time extension from May 1, 1983, to December 1, 1983. Only the closure of the hazardous waste pile or evidence of approval and contractual commitment to reuse the material would obviate the requirement for Part B submittal by this date.

Please contact Ken Skahn at (312) 886-4158 if you have any questions.

Sincerely yours,

William H. Miner, Chief  
Technical, Permits and Compliance Section

Enclosure

cc: Greg Pederson, MPCA  
Larry Christensen, MPCA

bcc: Part A file  
Ken Skahn, SIO

INITIALS	DATE	TYPYST f.s. 7/15/83	AUTHOR K Skahn 7/15/83	STU #1 CHIEF	STU #2 CHIEF DJB 7/15/83	STU #3 CHIEF	TPS CHIEF W.H.M. 7/15/83	WMB CHIEF	WMD DIRECTOR
----------	------	---------------------------	------------------------------	-----------------	-----------------------------------	-----------------	-----------------------------------	--------------	-----------------

@mr 7/18/83

POPHAM, HAIK, SCHNOBRICH, KAUFMAN & DOTY, LTD.

4344 IDS CENTER  
MINNEAPOLIS, MINNESOTA 55402  
TELEPHONE AND TELECOPIER  
612-333-4800

WAYNE G. POPHAM  
RAYMOND A. HAIK  
ROGER W. SCHNOBRICH  
DENVER KAUFMAN  
DAVID S. DOTY  
ROBERT A. MINISH  
ROLFE A. WORDEN  
G. MARC WHITEHEAD  
BRUCE D. WILLIS  
FREDERICK S. RICHARDS  
G. ROBERT JOHNSON  
GARY R. MACOMBER  
ROBERT S. BURK  
HUGH V. PLUNKETT, III

FREDERICK C. BROWN  
THOMAS K. BERG  
BRUCE D. MALKERSON  
JAMES R. STEILEN  
JAMES B. LOCKHART  
ALLEN W. HINDERAKER  
CLIFFORD M. GREENE  
D. WILLIAM KAUFMAN  
DESYL L. PETERSON  
MICHAEL O. FREEMAN  
THOMAS C. D'AQUILA  
LARRY D. ESPEL  
JANIE S. MAYERON  
DAVID A. JONES

LEE E. SHEEHY  
LESLIE GILLETTE  
MICHAEL T. NILAN  
ROBERT C. MOILANEN  
DAVID J. EDQUIST  
CATHERINE A. POLASKY  
STEVEN G. HEIKENS  
THOMAS J. RADIO  
KATHLEEN M. MARTIN  
JOHN C. CHILDS  
THERESE AMBRUSKO  
DOUGLAS P. SEATON  
GARY D. BLACKFORD  
SCOTT E. RICHTER

2660 PETRO-LEWIS TOWER  
717 SEVENTEENTH STREET  
DENVER, COLORADO 80202  
TELEPHONE AND TELECOPIER  
303-825-2660

SUITE 802-2000 L STREET N. W.  
WASHINGTON, D. C. 20036  
TELEPHONE AND TELECOPIER  
202-887-5154

June 16, 1983

Mr. Larry P. Christensen  
Solid & Hazardous Waste Division  
Minnesota Pollution Control Agency  
1935 W. County Road B2  
Roseville, Minnesota 55113-2785

RE: Proposed Stipulation Agreement

Dear Mr. Christensen:

I am in receipt of your letter of June 1, 1983, to my client Union Scrap. Even though you indicated that a letter was forthcoming which would make some inquiries, I was both surprised and dismayed to find that in general the inquiries simply were addressed to information that does not advance Union's (and I would hope, the Agency's) long standing interest in executing a stipulation so that appropriate investigatory and clean up measures can begin.

In this vein I would remind you that Union has had a contractor standing by since last summer to commence the rubber chip removal from 1608 Washington. In fact, had we been able to exercise the removal upon which we all agree, the rubber chip pile would be gone, the scrap pile would be appropriately sorted so as to be available for processing at Poly-Metal Products, investigation would have been completed on the west half of the premises and the investigation on the east half would be either completed or underway. Of course, the investigation at the Shafer site upon which there is no disagreement would have been well underway.

While I am aware of the heavy workload placed upon you and your staff, in my view it is totally inappropriate and factually

RECEIVED  
JUN 21 1983

WASTE MANAGEMENT  
BRANCH

POPHAM, HAIK, SCHNOBRICH, KAUFMAN & DOTY, LTD.

Mr. Christensen  
June 16, 1984  
Page Two

unwarranted to attempt to place upon Union the responsibility of an unsigned stipulation. I would remind you that following several meetings, (the last of which was late January, 1983) we thought we had reached agreement and were simply awaiting the appropriate draft from your staff for us to review and execute. Despite my repeated requests for same, it was almost three months before the new draft arrived and it contained major changes never before agreed upon nor even discussed. I was told it was the result of review and amendment by individuals not previously involved.

Following review by Union and its consultant of that major redraft, I had several discussions and a meeting on May 5th and 6th with you and Bruce Wilson to state Union's concerns with the changes and to work out an acceptable final product. It appeared that this had been successful, although there were a few points which you desired to check with other members of your staff, e.g. preliminary sampling under the lead pile - which as you know was a new issue. You thought you could get back to me in a few days. You did, but only to inquire again as to the reason for breaking down the lead pile into three piles, which information I supplied to you the next day. Not until almost a full month after our meeting did we receive your letter of June 1. Moreover, it should be noted that during this month period I again made several inquiries as to the reason for delay and on the last occasion was told by the person who had been in charge of the matter that he did not know and was not in a position to provide me with any information.

I recite this history not as a matter of fault finding of the Agency or any individual who has wrongfully been placed in an untenuous position, but rather to clearly demonstrate that attempting to place blame for delays upon Union is not only inappropriate but fails to get at the objective of moving forward. Simple arbitrary recitation of July 1 as a date for signed stipulation is meaningless, particularly since no such document has yet been presented to Union. Since Union wanted to have such a document in 1982, it clearly would desire to have one by July 1. But it cannot be expected that Union should have only a few days to review what it has at this date taken the Agency over six weeks to consider.

Turning to the information which you requested, it is provided below in the order asked.

1. There are two piles being addressed at the 1608 Washington site.

POPHAM, HAIK, SCHNOBRICH, KAUFMAN & DOTY, LTD.

Mr. Christensen  
June 16, 1983  
Page Three

2. The rubber chip pile is estimated to weigh 1000 tons as determined by the staffs of Union and Bituminous Roadways. Quite frankly, we are at a loss to explain either your weight or volume figures. For example, a one foot cubic box of material from the rubber chip pile yields 70 pounds not 450 pounds as you estimate. Therefore, even if one were to assume your volume figure of 54,000 cubic feet to be accurate, the weight would be 1890 tons not 12,150 tons as contained in your letter. As to the 54,000 cubic feet, it is derived from an assumption of a pile with regular dimensions. In fact, it is so irregular in size and shape as to make difficult any volume determination. Thus, Union stands by the original estimate of approximately 1000 tons or, at the outside, under 2000 tons.

b. The weight of lead fragment raw material pile can be ascertained in either of two ways. Bituminous Roadways has estimated it at between 5500-7000 tons. However, this is too high since there is scrap metal, some old trucks and even a crane body under that pile. A representative sample of material in a one foot cubic box weighs 80 pounds. Even if this were doubled it would only result in a total weight of 5,780 tons using Agency volume figures. As with the rubber chip pile, the lead fragment pile is so irregular as to preclude any definitive volume determinations. In any case the Agency's weight figures make absolutely no sense. Even a cursory view of the two piles shows the lead fragment pile to be two to three times as large as the rubber chip pile with obviously heavier material. Yet the Agency figures allege that the lead fragment weight is only approximately 18% greater than the rubber chip pile.

A second method of estimation is a formula utilized by Union's CPA firm and certified by it in their annual audits. The fragment pile is 99% battery tops. Over the years repeated checks have verified an average top to weigh 5 pounds. All the fragments are from the Shafer plant. When Shafer was active, it processed 2000 batteries per day and had an effective operating schedule of only six months per year. Based upon these facts the following formula was developed:

$$\begin{aligned} &2000 \text{ batteries} \times 5 \text{ (days per week)} \times 26 \text{ (weeks per year)} \times \\ &8 \text{ (years of operation)} \times 5 \text{ (lbs. per battery)} = \\ &10,400,000 \text{ lbs. or } 5,200 \text{ tons.} \end{aligned}$$

Absent no utilization of this product, the weight should then

POPHAM, HAIK, SCHNOBRICH, KAUFMAN & DOTY, LTD.

Mr. Christensen  
June 16, 1983  
Page Four

be 5200 tons. However, beginning in 1978, Union installed and utilized a MA 30 system to process this product. During this operation approximately 4,000,000 pounds of the product were processed. Thus, our certification of the pile is approximately 6,400,000 pounds or 3,200 tons.

2. The rubber chip pile is composed of small rubber chips and lead particles which is estimated to be 70% rubber and 30% lead. The lead fragment pile, aside from the miscellaneous scrap referenced earlier, consists of crushed and uncrushed battery tops and cases which is estimated to be 60% lead, 30% rubber and 10% plastic.

3. The pile contents are virtually all from scrap batteries which originated at the Shafer plant.

4. The lead fragment scrap pile was started in 1973, and added to regularly. The rubber chip pile was started during 1979-1980.

5. Poly-Metal Products (PMP) will be used as the recipient processor of the lead from the piles. The lead portion of the rubber chip pile will be processed by blending it into the battery plates processed by PMP at a rate of about 5% or, if a market becomes available, it will be sold as is to a blast furnace operation. The lead fragment pile will be handled in the manner and for the reasons which I previously explained to you. As was agreed last summer, upon removal of the rubber chip pile and preliminary investigative work where that pile was located, some portion of the site would be utilized to divide the lead fragment pile into three fractions based on size. The fine fraction will be handled the same as the lead fraction of the rubber chip pile and Union anticipates blending at the rate of 5%. (Five pounds of fines blended into each 100 pounds of battery plates.) The middle fraction can be fed into the MA 31 system without further crushing since the only processing needed is separation of lead, plastic and rubber. Union has designed and built a special charging table for this material with auger feed conveyors. While test runs have proven the feasibility of the system, there is no actual experience to base production estimates on. The material left in the large fraction must go through the whole MA 31 system including the crusher. Union expects to modify the charging table to feed the large fraction to the crusher infeed conveyor after it has completed running the midling fraction. Union has test run this material and the system will accept it. However with no experience at production runs accurate estimates are not available.

POPHAM, HAIK, SCHNOBRICH, KAUFMAN & DOTY, LTD.

Mr. Christensen  
June 16, 1983  
Page Five

6. From Union's experience at the 1608 site and the experience at like plants elsewhere, whenever this type of raw material is processed in an MA system, the biggest problem is the creation of a tremendous amount of foam which accumulates in the process tanks and subsequently runs all over the equipment and the floors and is impossible to control. In addition, the water quickly becomes so dirty that it becomes overloaded and must be changed daily. The foaming creates an occupational hazard. PMP does not intend to repeat this scenario. By separating the lead fragments into three fractions and handling each as described above, the material can be handled efficiently, safely and as rapidly as possible while avoiding the above referenced problem.

In addition to the specifically numbered inquiries, you express concern about the segregation process and its effect upon Minnesota OSHA and off-site migration of lead compounds. Since OSHA type regulations are outside the MPCA's jurisdiction, prior citations have no bearing on this matter and typical boilerplant stipulation language will insure that nothing in the stipulation authorizes Union to avoid other applicable laws and regulations. In any event, the on-site sieving screen operation by Bituminous Roadways will be done while using a water mist spray to control dust. Personal protective equipment will be worn by all employees and all other OSHA requirements will also be met.

With regard to run-on, run-off and fugitive emissions, the piles are and will continue to be tarped until all material is moved from 1608. Only a working face will be exposed when necessary for processing. As previously noted, the material being processed will be misted to prevent emissions. As you know, Union has already agreed to abide by applicable Minnesota site air quality standards. The company has also acquired a Tenant sweeper to sweep the street on a regular basis during processing. It must be noted that part of the reason given for removing the piles is to eliminate the migration concerns. It would be quite ironic if these same concerns prevented the piles from being moved.

Turning to the estimates of PMP production capability, those referenced by Union to Ivan Russell are correct as estimated maximum plant production capacity. Union has never processed 7000 batteries per day. In fact, the top production experienced to date is 3500-4000 batteries. We do not understand your figures of 88 tons of lead per day or 65 years. PMP will not be operated exclusively on the 1608 scrap. Rather, the 1608 scrap will be blended into the regular battery processing operation as rapidly

POPHAM, HAIK, SCHNOBRICH, KAUFMAN & DOTY, LTD.

Mr. Christensen  
June 16, 1983  
Page Six

as possible, given an available market. More than anyone, Union hopes that the market will allow completion substantially prior to a three year period. But as you know, the company cannot control the market. As you also know, the three year period is clearly a compromise position agreed to by the company at my urging and at great risk to the company. Clearly, everyone wants the material to be successfully processed since this represents the very best environmental alternative.

Your letter expresses some concern relative to 20-25 batteries at 210 15th Avenue North due to the potential of "further acid and lead contamination". Although they are properly stored at this time, Union is unaware of any such contamination at this site. Thus "further" contamination is needless innuendo. This is particularly true since there is clearly a lack of knowledge on the part of anyone expressing concern about these batteries. They are encased in steel cases with melted rubber tops for absolute sealant. In addition, inside of the steel cases are polypropylene battery cells which are also totally sealed.

Finally, you request permission for your access to the 1608 site to sample and survey the piles to more accurately estimate their volumes and weights. While Union is comfortable with the estimates, it has no problems with granting your request as long as it does not lead to even further delay and the Agency assumes full liability for any damage it creates to the tarps protecting the piles.

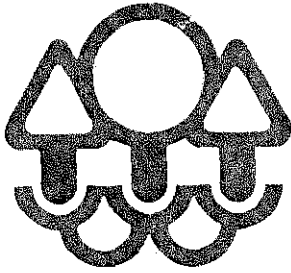
In summary, Union is hopeful that you now have all the information you need. If so, let's get on with the matter so that Union can proceed with what it so long agreed to do.

Very truly yours,

G. Robert Johnson

GRJ/cjw

cc: Mr. Kenneth Skahn, U.S. Environmental Protection Agency, Chicago  
Mr. Ed Vavreck, City of Minneapolis  
Mr. Ivan Russell, Department of Labor and Industry  
Mr. Lee Holden, Ramsey County  
Mr. Greg Lie, Hennepin County  
Mr. Richard Rosen, Union Scrap Iron and Metal Company



## Minnesota Pollution Control Agency

June 1, 1983

Mr. Richard Rosen, General Manager  
Union Scrap Iron and Metal Company  
210 15th Avenue North  
Minneapolis, Minnesota 55411

Dear Mr. Rosen:

Re: Proposed Stipulation Agreement

As you are probably aware, the Minnesota Pollution Control Agency (MPCA) has discussed the proposed stipulation agreement on several recent occasions (May 2, 3, 5, and 6) with your attorney, Mr. G. Robert Johnson. In general, the majority of our discussions have centered around resolving the problems associated with the 1608 Washington Avenue North site (1608). Of particular concern was the amount of time required to eliminate the piles at the site as well as the methods to be employed for this purpose.

So that we may better understand and evaluate the company's proposal, we require additional information regarding this issue. Accordingly, the MPCA requests that you provide the following information:

1. The volume and weight of all of the piles at 1608.
2. An estimate of the composition of the different piles, specifying percentage of lead and defining the percentage and type of nonlead constituents.
3. Source of the pile contents including point of origination.
4. The length of time that the piles have been on the site.
5. If Poly-Metal Products (PMP) is to be used as a processing facility for the piles, define the anticipated processing rates at PMP for the pile constituents. If you anticipate fractions of the piles to be processed at different rates, please specify all process rates by constituents.

Phone: \_\_\_\_\_

1935 West County Road B2, Roseville, Minnesota 55113-2785

Regional Offices • Duluth/Brainerd/Detroit Lakes/Marshall/Rochester

Equal Opportunity Employer

6. Mr. Johnson has described the need for the company to have a provision in the stipulation for the segregation of the 1608 "lead pile" constituents, on-site, prior to transport to PMP. Please briefly describe the need for pile constituent segregation on-site and the method(s) that your company would employ to segregate the "lead pile" constituents (i.e. front end loader and hand separations or by mechanical sieving etc.).

We remain very concerned about the company's proposed segregation processes to be conducted at 1608. The Minnesota Department of Health and Occupational Safety and Health Division records show several citations for operations conducted at 1608. Additionally, there has been and will be off-site migration of lead compounds from 1608 unless a well conceived and concerted company effort is dedicated to the prevention of fugitive emissions and run-on/run-off.

Historically, your company has estimated having about 2,000 tons of lead on your 1608 site. According to our calculations for on-site storage you have many times that amount. What follows is a tabulation of our estimates of the piles at 1608 and the amount of processing time required for eliminating the piles based upon PMP capacities. If you disagree with our calculations, please enclose your calculations and explain any differences.

WASTE PILE VOLUMES (CONSERVATIVE ESTIMATES)

1. Piles nearest Washington Avenue.

- a. Volume (ft<sup>3</sup>)  
 $80 \text{ (long)} \times 7.5' \text{ (height)} \times 90' \text{ (wide)} = 54,000 \text{ ft}^3$
- b. Weight (tons)  
Approximate conversion factor:  $1 \text{ ft}^3 = 450 \text{ pounds of lead mixture}$   
 $54,000 \text{ ft}^3 \times \frac{450 \text{ #}}{\text{ft}^3} \times \frac{1 \text{ ton}}{2,000 \text{ #}} = 12,150 \text{ tons}$

2. Piles nearest railroad tracks.

- a. Volume  
 $50' \text{ (long)} \times 12' \text{ (height)} \times 110' \text{ (wide)} = 66,000 \text{ ft}^3$
- b. Weight (tons)  
Approximate conversion factor:  $1 \text{ ft}^3 = 450 \text{ pounds of lead mixture}$   
 $66,000 \text{ ft}^3 \times \frac{450 \text{ #}}{\text{ft}^3} \times \frac{1 \text{ ton}}{2,000 \text{ #}} = 14,850 \text{ tons}$

Mr. Richard Rosen  
Page Three

As you can see, our estimates are very much greater than your previously discussed estimates. During the period of time when the piles adjacent to Washington Avenue were uncovered (approximately two to three weeks in May), the composition of the piles appeared to be predominantly fine particulate material and not rubber fragments and therefore a conversion factor of 450 pounds per cubic foot was used.

If we assume that PMP can process 1,000 batteries an hour (personal communication - Rick Rosen to Ivan Russell) or about 7,000 batteries per day, then about 88 tons of lead a day may be processed at PMP. Accordingly, you would need about 0.65 years (given a seven hour day and five day work week), to process the pile adjacent to the railroad tracks and not the three years quoted by your attorney at our last meeting.

In order to more accurately estimate the volumes and weight of the piles at the 1608 site, we request your permission to gain access, sample and survey 1608 Washington Avenue North site.

Additionally, as we discussed with your attorney on May 18, 1983, you have stored approximately 20-25 lift truck batteries in disarray on the northwest corner of your property located at 210 15th Avenue North since last winter. We request that you properly store batteries to prevent further acid and lead contamination of the area.

The MPCA staff have been negotiating a study stipulation agreement, which has not included penalties or liquidated damages provisions, for about one year. Given the length of time elapsed, the fact that an agreement has yet to be signed, and the time of year, the staff has established a deadline of July 1, 1983 to have a signed stipulation agreement so that we may go to the MPCA Board for agreement ratification or other board action in July, 1983.

Should you have any questions, please contact me at 612/297-2701.

Sincerely,



Larry P. Christensen, Supervisor  
Hazardous Waste Compliance and Enforcement Unit  
Regulatory Compliance Section  
Solid and Hazardous Waste Division

LPC/sf

cc: Mr. Kenneth Skahn, U.S. Environmental Protection Agency, Chicago  
Mr. Ed Vavreck, City of Minneapolis  
Mr. Ivan Russell, Department of Labor and Industry  
Mr. Lee Holden, Ramsey County  
Mr. Greg Lie, Hennepin County  
Mr. G. Robert Johnson, Popham, Haik, LTD.



# Minnesota Pollution Control Agency

April 5, 1983

MND 980 581 647

Mr. Richard Rosen, General Manager  
Union Scrap Iron and Metal Company  
210 15th Avenue North  
Minneapolis, Minnesota 55411

**RECEIVED**  
APR 07 1983

Dear Mr. Rosen:

**WASTE MANAGEMENT  
BRANCH**

Re: Revised Stipulation Agreement

Enclosed for your review is the fifth revision of the proposed stipulation agreement between the Union Scrap Iron and Metal Company and the Minnesota Pollution Control Agency (MPCA). This version of the agreement contains several changes from the agreement edition previously discussed with your attorney on January 31, 1983.

In general, extensive language changes have been made in Section B of this agreement to reflect MPCA administrative review or to make a more readable agreement. The major changes of this edition are, briefly:

1. All out-of-door piles in storage at 1608 Washington Avenue North shall have to be eliminated within one year;
2. The issue of potential long-term ground water monitoring has been deleted from this document but may be addressed later. This reduces the potential duration of the agreement to about one and a half years;
3. Ground water monitoring is required at the Shafer site for four quarters of sampling and analyses;
4. A soil study report section was added to the Agreement which was overlooked in prior editions;
5. Waste piles shall not be allowed at the Poly-Metal Products site unless the site has received appropriate hazardous waste permits; and
6. Implementation dates have been better defined for the various agreement tasks.

We have attempted to indicate the new language by brackets or by underlining.

Phone: \_\_\_\_\_

1935 West County Road B2, Roseville, Minnesota 55113-2785

Regional Offices • Duluth/Brainerd/Detroit Lakes/Marshall/Rochester

Equal Opportunity Employer

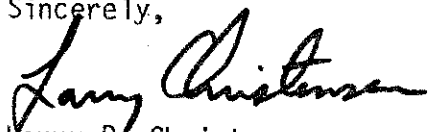


Mr. Richard Rosen  
Page Two

You are requested to schedule a meeting with this office, that will occur within seven days of receipt of this letter, to discuss the final company positions regarding this agreement.

If there are any questions about this agreement or your alternatives regarding the hazardous waste regulations, please contact me at 612/297-2701, or Bruce Wilson at 612/297-3365.

Sincerely,



Larry P. Christensen  
Compliance and Enforcement Unit Head  
Regulatory Compliance Section  
Solid and Hazardous Waste Division

LRC/CBW:mn

cc: Ken Skahn, U.S. Environmental Protection Agency, Chicago  
Glen Kiecker, City of Minneapolis, Minneapolis  
Lee Holden, Ramsey County, Roseville  
Greg Lie, Hennepin County Hazardous Waste Office, Hopkins  
Robert Johnson, Popham, Haik, Ltd, Minneapolis  
Janet Cain, MPCA Division of Air Quality, Roseville

3-30-83

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Alleged  
Violation of Minnesota Statutes 115.061,  
116.081, and Minnesota Rules 6 MCAR §§4.6004,  
4.8022, 4.8014, and 4.9004 and 4.9010 by  
Union Scrap Iron and Metal Company

STIPULATION AGREEMENT

A. RECITALS

1. Parties. The parties to this Agreement are the Minnesota Pollution Control Agency, hereinafter the "Agency," and Union Scrap Iron and Metal Company, hereinafter the "Company."

2. Company Operation. The Company owns and operates a facility located at 1608 Washington Avenue North in Minneapolis, Minnesota and formerly operated a hazardous waste facility on leased land located at 129 Plymouth Avenue North in Minneapolis, Minnesota.

3. Agency Authority. The Agency is a statutory agency of the state of Minnesota charged with overall powers and duties to administer and enforce all laws, statutes, standards, rules, and stipulation agreements relating to the prevention, control, or abatement of water, air, noise, and land pollution and to the management, collection, treatment, transportation, storage, and disposal of solid and hazardous waste in the state. This authority is specifically described in Minnesota Statutes 115 and 116 (1982).

4. Rules. The Agency, after legal notice and hearing, has adopted and has filed in the Office of the Secretary of State, rules that have the force and effect of law and general application throughout the state of Minnesota.

5. Background.

a. 129 Plymouth Avenue North (Shafer Plant). The Company operated a battery scrapping facility at the Shafer Plant from 1973 through 1981. The scrapping operation involved processing nonreusable wet charge batteries for the purpose of recovering lead scrap and other by-products of the salvage. The facility property was leased from the Minnesota Department of Transportation (MnDOT).

Since June 12, 1973, the Company has been on notice from the Agency, the city of Minneapolis, and the Metropolitan Waste Control Commission for alleged pollution violations resulting from the Company's operations at the Shafer Plant. Plant operations involved the breaking or sawing open of wet batteries followed by the segregation of lead plates, battery cases, and battery tops. Battery lead and fragments were stored in lugger boxes that resulted in the drainage of some battery acids into the ground. Incidents of acid leakage into the ground and spillage reaching the sidewalks and Plymouth Avenue North and into both sanitary and storm sewers have been alleged by the aforementioned agencies. The Company replaced a corroded storm sewer basin.

The Company ended plant operations on or before March 6, 1981, which was the last day of the lease agreement between the Company and MnDOT.

As a result of Agency concerns, the Company was required to undertake a Phase I study at the site. The Phase I study determined that the Company had contaminated the surface soils and subsurface soils on the property with at least lead, sulfate, and acid as a result of leakage and handling and storage of batteries, battery fragments and acid. Previous sampling by regulatory

agencies has also documented contamination by the Company of the surface waters near the plant with lead and acid. At this time it is not known if ground water contamination has occurred.

The Company received an Agency Notice of Violation on June 22, 1982 for violations of state hazardous waste regulations.

It was determined by the property owner, regulatory agencies, and the Company that it was in the interests of public safety to demolish the building structure during the fall of 1982. Prior to demolition, the Company requested that the structure's floors be scraped to remove potential accumulations of lead. The Company then completed the cleaning of the building floors, excavated a trench area inside the north end of the building, and excavated approximately the top three inches of soil in the outside triangle on the south side of the site. Said cleanup and excavated materials are being held in storage containers by the Company for use in the Company's Poly Metal Products Plant lead reclamation process.

b. 1608 Washington Avenue North. The Company has operated a battery fragment processing facility at the 1608 Washington Avenue North site (Washington Avenue Plant) since about 1973. Battery tops and fragments generated from Company plants have been stored out-of-doors at the site since 1973. On-site operations also consisted of a fragment crushing and segregation operation whereby lead and plastic materials are removed and stored for resale. The rubber battery fragments were returned to out-of-door piles.

The Company has been on notice from the Agency and the city of Minneapolis for alleged pollution violations since April 3, 1979, when lead debris were observed on the city streets and easements adjacent to the Washington Avenue Plant. The Agency issued the Company a Notice of Violation for fugitive lead emissions on May 5, 1980. The Company has also been placed on notice by the Agency for alleged violations of federal hazardous waste regulations resulting from alleged improper handling, storage, and disposal of hazardous waste and for refusing to allow a U.S. EPA representative to sample the pile on-site. Another Notice of Violation was issued to the Company on June 22, 1982, for violations of state hazardous waste regulations.

6. Alleged Violations.

a. The Shafer Plant. The Agency alleges that in the operation of its Shafer Plant the Company has violated the following Minnesota statutes and rules:

- 1) 6 MCAR §4.6004 (Minn. Rule SW 4) states in part:

"Solid waste shall not be deposited at any intermediate or final solid waste disposal site in such a manner that material or leachings therefrom may cause pollution of ground or surface waters."

"A person shall make an intermediate or final disposal of any solid waste only at a site or facility for which a permit has been issued by the Agency unless otherwise provided by these regulations."

Minnesota Rule SW 4, prior to June 18, 1979, further provided:

"Disposal of toxic and hazardous wastes shall be in a safe and pollution-free manner and in compliance with the regulations of federal, state and local governments and their regulatory agencies."

The Agency alleges that the Company disposed of solid and toxic and hazardous waste in a manner that does not comply with the provisions of this rule.

2) 6 MCAR §4.8022 (d)(2),(3), and (4) state:

"(2) No sewage, industrial waste, other waste, or other pollutants shall be allowed to be discharged to the unsaturated zone or deposited in such place, manner or quantity that the effluent or residue therefrom upon reaching the water table, may actually or potentially preclude or limit the use of the underground waters as a potable water supply, nor shall any such discharge or deposit be allowed which may pollute the underground waters. All such possible sources of pollutants shall be monitored at the discharger's expense as directed by the Agency.

"(3) Treatment, safeguards or other control measures shall be provided by the person responsible for any sewage, industrial waste, other waste, or other pollutants which are to be or have been discharged to the unsaturated zone or deposited there, or which have been discharged to the zone of saturation, to the extent necessary to ensure that the same will not constitute or continue to be a source of pollution of the underground waters or impair the natural quality thereof.

"(4) Toxic pollutants including but not limited to, radioactive substances, chemicals, metals, solvents, petroleum products, plating wastes, and acids and bases, shall not be discharged or deposited in any manner such as to endanger the quality or uses of the underground waters."

The Agency alleges that the Company did not have the proper containment safeguards for the handling of toxic wastes and thereby caused pollutants to be deposited in violation of the provisions of this rule.

3) Minnesota Statute §115.061 (1980) states:

"115.061 DUTY TO NOTIFY AND AVOID WATER POLLUTION. It is the duty of every person to notify the agency immediately of the discharge, accidental or otherwise, of any substance or material under its control which, if not recovered, may cause pollution of waters of the state, and

the responsible person shall recover as rapidly and as thoroughly as possible such substance or material and take immediately such other action as may be reasonably possible to minimize or abate pollution of waters of the state caused thereby."

The Agency alleges that the Company repeatedly discharged hazardous wastes from its operations and failed to recover the hazardous wastes in violation of the provisions of this statute.

4) 6 MCAR §4.9010 A and B state:

"A. Duty to report. Any person who owns, has possession of, or otherwise has control of a hazardous waste that spills, leaks or otherwise escapes from a container, vehicle tank, storage tank, portable tank or other containment system, including its associated piping, shall immediately notify the agency if the hazardous waste may cause pollution of the air, land, or waters of the state. The person shall use, when applicable, the agency's 24-hour telephone notification service.

B. Duty to recover. Any person who owns, has possession of, or otherwise has control of a hazardous waste that spills, leaks, or otherwise escapes from a container, vehicle tank, storage tank, or other containment system, including its associated piping, shall recover the hazardous wastes as rapidly and as thoroughly as possible and shall immediately take such other action as may be reasonably possible to protect human life and health and minimize or abate pollution of the water, air or land resources of the state caused thereby."

The Agency alleges that the Company failed to report and recover hazardous wastes that were spilled or leaked from containers, containment systems and associated piping in violation of the provisions of this rule.

5) 6 MCAR §4.8014 (c)(13) states in part:

"No sewage, industrial waste or other wastes shall be discharged into the intrastate waters of the state in such quantity or in such manner alone or in combination with other substances as to cause pollution thereof as defined by law."

The Agency alleges that the Company deposited wastes on Company property which may have been discharged or which may potentially be discharging to the Mississippi River.

- 6) Minnesota Statute §116.081 Subdivision 1 (1980) states in part:

"116.081 PROHIBITIONS. Subdivision 1. Obtain Permit. It shall be unlawful for any person to construct, install or operate an emission facility, air contaminant treatment facility, treatment facility, potential air contaminant storage facility, storage facility, or system or facility related to the collection, transportation, storage, or disposal of solid waste, or any part thereof unless otherwise exempted by any agency regulation now in force or hereinafter adopted, until plans therefor shall have been submitted to the agency, and a written permit therefor shall have been granted by the agency. The requirements of this section shall not be applied to motor vehicles."

The Agency alleges that the Company established and operated a hazardous waste facility without filing the required permit applications with the Agency.

- 7) 6 MCAR §4.9004 C. 5(d) states in part:

"d. The facility operator shall not dispose of hazardous wastes in a manner that contaminates the soil unless such disposal is authorized in a Hazardous Waste Facility Permit."

The Agency alleges that the Company contaminated the soil with hazardous waste without Agency permit authority.

- 8) 6 MCAR §4.9004 C.1. states in part:

"a. The facility operator shall prepare procedures for personnel to follow in the case of spills of hazardous wastes and in the case of fire and other emergencies. The facility operator shall post these procedures in a conspicuous place at the facility site.

"b. The facility operator shall have safety equipment available at the facility site for use during spills, fires and other emergencies.

"c. The facility operator shall have available at all times written procedures for handling spills, fires and other emergencies. The facility operator shall train and instruct all personnel at the facility site in these procedures. The facility operator shall maintain records of the training and instruction programs that are held.

"d. The facility operator shall construct and begin operating a site monitoring system that is approved by the agency as adequate to determine the effect of the facility on the soil, ground water and air before accepting or storing any hazardous waste at the facility.

"e. The facility operator shall control access to the facility by the use of fences, gates, locks and other similar methods and allow access only to persons who are knowledgeable in the safety and emergency procedures needed for handling the hazardous waste. The facility operator shall provide security against unauthorized entry onto the site....

"i. The facility operator shall prevent the discharge of hazardous waste from the facility to the surface waters or ground waters of the state. The facility operator shall prevent hazardous waste from entering drains, sewer inlets, storm sewers, sanitary sewers, doorways, vents, tunnels, pipes, windows or areas with permeable earth or soil floors."

The Agency alleges that the Company operated a hazardous waste facility without complying with the provisions of this rule.

b. The Washington Avenue Plant. The Agency alleges that in the operation of its Washington Avenue Plant the Company has violated the following Minnesota statutes and rules:

- 1) Minnesota Statute §115.061 (1980) is stated in part on page 6 of this Agreement.

The Agency alleges that the Company has repeatedly discharged hazardous wastes from its operations and failed to recover and provide adequate safeguards for the prevention of hazardous waste discharges from its facility in violation of the provisions of this statute.

- 2) 6 MCAR §4.6004 (Minnesota Rule SW 4) is stated in part on page 4 of this Agreement.

The Agency alleges that the Company disposed of solid and toxic and hazardous waste in a manner that does not comply with the provisions of this rule.

- 3) 6 MCAR §4.8022 (d)(2), (3), and (4) is stated, in part, on page 5 of this Agreement.

The Agency alleges that the Company has not complied with the provisions of this rule.

- 4) Minnesota Statute §116.081 Subdivision 1 (1980) is stated in part on page 7.

The Agency alleges that the Company has violated the provisions of this statute.

- 5) 6 MCAR §4.9004 C.1. states in part:

"C. Hazardous waste facility operation.

1. General. No person shall operate a hazardous waste facility except in conformance with the following requirements:

a. The facility operator shall prepare procedures for personnel to follow in the case of spills of hazardous waste and in the case of fire and other emergencies. The facility operator shall post these procedures in a conspicuous place at the facility site.

b. The facility operator shall have safety equipment available at the facility site for use during spills, fires and other emergencies.

c. The facility operator shall have available at all times written procedures for handling spills, fires and other emergencies. The facility operator shall train and instruct all personnel at the facility site in these procedures. The facility operator shall maintain records on the training and instruction programs that are held.

d. The facility operator shall construct and begin operating a site monitoring system that is approved by the agency as adequate to determine the effect of the facility on the soil, ground water and air before accepting or storing any hazardous waste at the facility.

e. The facility operator shall control access to the facility by the use of fences, gates, locks and other similar methods and allow access only to persons who are knowledgeable in the safety and emergency procedures needed for handling the hazardous waste. The facility operator shall provide security against unauthorized entry onto the site...

h. The facility operator shall not allow scavenging at the facility.

i. The facility operator shall prevent the discharge of hazardous waste from the facility to the surface waters or ground waters of the state. The facility operator shall prevent hazardous waste from entering drains, sewer inlets, storm sewers, sanitary sewers, doorways, vents, tunnels, pipes, windows or areas with permeable earth or soil floors."

The Agency alleges that the Company has been operating a hazardous waste facility without complying with the provisions of this rule.

6) 6 MCAR §4.9004 C.3. states:

"c. The facility operator shall store hazardous waste in containers and tanks in a manner such that the facility operator can locate any shipment of hazardous waste and any hazardous waste from any particular generator stored on the site.

d. The facility operator shall store hazardous waste in containers and tanks that are located out-of-doors only within a liner and dike system which meets the following requirements:

- (1) The liner and dike system shall have a permeability rate no greater than  $10^{-7}$  centimeters per second when being subjected to a head of one foot of water and shall be of a composition that will not increase in permeability as a result of contact with hazardous waste.
- (2) The liner and dike system shall be constructed so as to hold a volume equal to the volume of the largest storage tank plus the total capacity of all containers and portable tanks plus one foot of freeboard.
- (3) The interface between the dike and underlying liner shall be constructed so as to provide a seal against movement of hazardous waste or solutions thereof.
- (4) The dike shall be constructed in a manner that provides necessary ramps for vehicles needing access to the storage areas."

The Agency alleges that the Company has been operating a hazardous waste facility without complying with the provisions of this hazardous waste facility rule.

7) Minn. Rule APC 6 states in part:

- (a) No person shall cause or permit the handling, use, transporting, or storage of any material in a manner which may allow avoidable amounts of particulate matter to become air-borne.
- (b) No person shall cause or permit a building or appurtenances or a road, or a driveway, or an open area to be constructed, used, repaired or demolished without applying all such reasonable measures as may be required to prevent particulate matter

from becoming air-borne. The Director may require such reasonable measures as may be necessary to prevent particulate matter from becoming air-borne including, but not limited to, paving or frequent clearing of roads, driveways and parking lots; application of dust-free surfaces; application of water; and the planting and maintenance of vegetative ground cover."

The Agency alleges that the Company has allowed avoidable amounts of particulate matter to become air-borne in violation of the provisions of this rule.

7. Company Denial. The Company denies each and every allegation set forth herein and nothing contained herein shall be construed as an admission of any allegation or admission of liability.

8. Purpose of Agreement. The purpose of this Agreement is to: 1) Identify the study requirements that will be prerequisite to defining the extent, if any, of soil and ground water contaminations at both Company sites; 2) Define an Agency approved method for recycling of rubber fragments currently in out-of-door storage at the Washington Avenue Plant; and 3) To assist in identifying remedial actions, if any, necessary to correct contamination resulting from Company operations. A schedule and plan for the ~~Company performed~~ corrective actions, if any, to be performed by the Company will be defined in a second stipulation agreement following the submission of information and plans required by this Agreement, but nothing herein shall prevent the Company from undertaking such approved remedial action as may be appropriate prior to the finalization of such Stipulation Agreement. This Stipulation Agreement shall not resolve the violations alleged in Section A.6.

B. AGREEMENT

NOW, THEREFORE, it is hereby agreed and stipulated as follows:

1. Definition. For the purposes of this Agreement, the following terms have the meanings given:

a. Contaminated soils means soils that:

1) Exhibit the characteristic or corrosivity as defined in 6 MCAR §4.9001 or 40 C.F.R. §261.22; and/or

2) Exhibit the characteristic of EP Toxicity as defined in 40 C.F.R. §261.24 for cadmium, lead, or arsenic; and/or

3) Contain total concentrations of lead such that the soil would be classified as hazardous pursuant to 6 MCAR §4.9002.

b. Director means the Director of Solid and Hazardous Waste Division of the Agency.

c. Rubber fragments means those fragments that have been generated from battery reclamation operations and are segregated from lead and plastic materials. The Company has estimated that about 1,000 tons of rubber fragments are in out-of-door piles stored at its Washington Avenue Plant at the time of execution of this Agreement.

2. Company Responsibilities. The Company agrees to implement the following program at the Shafer Plant and at the Washington Avenue Plant.

a. Consultant. Within 15 days after the effective date of this Agreement, the Company shall retain the services of a registered professional

engineer to provide the Company with the technical expertise to perform the tasks set forth in parts B.2.b. - B.2.q. of this Agreement.

b. Soil and Ground Water Contamination Investigation Plan, Shafer Plant. Within 30 working days of the effective date of this Agreement the Company shall submit to the Director a written plan to investigate the extent of horizontal and vertical soil and ground water contamination that has resulted from the Company's past activities at the Shafer Plant. The plan shall include the following:

1. A proposed plan and schedule for soil sampling and analysis. The plan will be completed within 30 days after approval of the plan by the Director. The plan shall provide for sampling and analysis of the following on-site soils to determine if they are contaminated soils as defined in this Agreement:

a) Soils underlying the following areas, which are most likely to have been contaminated: the two outdoor areas used for battery storage; other outdoor areas which may have received spillage and drainage from batteries and fragments; indoor areas which were used to crush batteries and treat battery acid; and areas where it is probable that corrosive process waters and wastes have corroded sanitary sewers to the extent that waste waters have reached the ground. Soils in these areas shall be sampled from the surface to the ground watertable;

b) The first 12 inches of soil over the remaining

outdoor portion of the site using representative sampling methods which will identify the presence or absence of contaminated soils; and

c) The soils underlying the first 12 inches of soil where the first 12 inches are contaminated soils. Soil inspections shall continue in 12 inch lifts for the first three feet and then in two foot lifts thereafter until the extent of vertical and horizontal contamination attributable to the Company has been identified, but nothing herein shall prevent the Company at its option from inspecting and analyzing soil layers by lifts less than the specified vertical dimensions;

2. A description of procedures to be used for the sampling and laboratory analysis of soils. These procedures shall include methods for the collection of soil samples, the laboratory's analytical methods, detection limits and quality assurance programs.

3. A description of procedures for proper closure and grouting of soil boring sites.

4. A proposed plan for installation of a minimum of three monitoring wells into the first surficial drift aquifer beneath the site. The monitoring wells shall be screened three to five feet into the top of this aquifer. The wells shall be located so that at least one will monitor the ground water entering the site (upgradient well) and at least two wells monitor

the ground water leaving the site (downgradient wells). The plan shall provide for installation of the monitoring wells within 30 days after the approval of the plan by the Director;

5. A description of procedures to be used for well construction and installation, ground water sampling, and laboratory analysis of the three monitoring wells, and statement as to the frequency of ground water sampling. Frequency of sampling shall be not less than quarterly for at least one year after installation, and the first sampling shall take place within seven days of completion of installation of the monitoring wells. The samples shall be analyzed for pH, lead, arsenic, and sulfate concentrations. These procedures shall include the methods for collection and preservation of samples, the laboratory's analytical methods, quality assurance program, and the format for the reporting of analytical results to the Director. A statement of the laboratory's projected detection limits is also required. The Director shall have the option to split water samples with the Company for analysis by the Minnesota Department of Health;

6. A plan as to when ground water monitoring can be discontinued. In no event shall ground water monitoring be discontinued before one <sup>annual</sup> series of quarterly sampling has been completed. The plan may provide that if the results of one year's ground water monitoring show no degradation of the downgradient water quality which may be reasonably attributable to the Company, then the Company may give 30 days written notice

to the Director of its intent to discontinue monitoring.

7. A description procedures for the abandonment of the water monitoring wells in accordance with 7 MCAR §1.218, Minnesota Department of Health Water Well Construction Code.

c. Implementation of Soil and Ground Water Contamination Investigation Plan, Shafer Plant. Upon receipt of notification by the Director of approval of the soil and ground water investigation plan, the Company shall implement the plan.

d. Reporting Requirements, Shafer Plant.

1. Soil Contamination Investigation Report. Within 30 days of the Company's receipt of the analytical data obtained from the soil contamination investigation, the Company shall submit a written report of the results to the Director. The report shall include the following:

a) Results of the soil inspections, including a drawing of the site to a suitable scale depicting all soil sampling locations;

b) Soil sampling analytical results, including test procedure identification and laboratory test precision;

c) A conclusion as to the extent and degree of soil contamination over the site, detailing estimated soil volumes with horizontal and vertical dimensions;

d) A discussion of all analytical discrepancies;

e) A summary and conclusion including all relevant scientific and professional observations necessary to define the potential impacts of measured soil contamination.

2. Ground Water Contamination Investigation Report.

The Company shall report the results of its ground water contamination investigation as follows:

a) Report After First Sampling. Within 30 days of the Company's receipt of the analytical data obtained from the first ground water sampling, the Company shall submit a written report of the results to the Director. The Report shall include the following:

1) A description of the ground water characteristics beneath the site, including the watertable depth(s), most probable water flow direction(s), and significant confining layers, if any, including permeabilities;

2) Ground water sampling analytical results, test procedure identification, and laboratory precision and accuracy data; and

3) A conclusion as to the extent and degree of ground water contamination comparing measured ground water constituent concentrations to drinking water standards listed in 6 MCAR §4.8014(d)(1).

b) Report After Subsequent Sampling. Within

20 days of the Company's receipt of the analytical data obtained from ground water sampling done after the first sampling, the Company shall submit a written report of the results to the Director. The report shall include the following:

- 1) Ground water sampling analytical results, test procedure identification, and laboratory precision and accuracy data;
  - 2) A discussion of any analytical discrepancies;
- and
- 3) A written conclusion of the extent and degree of ground water contamination, comparing measured ground water constituent concentrations to drinking water standards set forth in 6 MCAR §4.8014(d)(1).

e. Remedial Action Plan, Shafer Plant. Within 45 days after the submission of the ground water contamination report required by Part B.2.d.2.a) of this Agreement, the Company shall submit for the Director's approval a proposed remedial action plan detailing the actions necessary to properly remedy soil and ground water contamination which may be reasonably attributable to the Company's activities at the Shafer Plant. All Company activities provided for in the plan shall comply with all applicable rules of the Agency and all regulations of the U.S. EPA. The Company shall submit with the plan documentation showing that the Company has obtained authorization from the property owner to carry out the activities described in the plan.

The plan shall include the following:

1. A plan and schedule for the removal, if necessary, of contaminated soils on the site, specifying excavation volumes and excavation methods;
2. A plan and schedule for the proper disposal and/or storage of excavated soils, to be completed within 90 days of excavation;
3. A description of precautions to be taken to minimize the amounts of air-borne contaminated soils and fugitive dust generated during excavation, transport and disposal activities and to protect personnel from the hazard of handling the excavated soils during implementation of this plan;
4. A description of a method of filling in of soil excavation sites. Unless otherwise appropriate by reason of future use of the site, soil excavation areas shall be backfilled with soils more impervious than the excavated soils and landscaped to promote runoff; and
5. Identification of the temporary storage location(s) for excavated soils which may be processed for lead reclamation in the Company's Poly Metal Products Plant in St. Paul.
  - f. Piles at Washington Avenue Plant. The Company shall not place in the piles at the Washington Avenue Plant any additional material resulting from off-site activities until such time as: 1) the nature of potential soil and ground water contamination at the site is defined; and 2) facility

safeguards are constructed in accordance with 6 MCAR §4.9004 to prevent the generation of leachate, water run-on and run-off, and avoidable fugitive dust emissions. Within 30 days after the effective date of this Agreement the Company shall submit to the Director for approval a written proposed plan and schedule of the expeditious removal of the piles. The plan shall provide for removal of all out-of-door piles within one year of the effective date of this Agreement. Upon receipt of notification by the Director of approval of the waste pile removal plan, the Company shall implement the plan.

g. Reuse of Rubber Fragments, Washington Avenue Plant. The Company shall implement the Director approved schedule and plan to remove and reuse all of the rubber fragments accumulated at the Washington Avenue Plant.

1. The Company shall process the rubber fragment piles at its Washington Avenue Plant as expeditiously as possible by sieving all rubber fragments through a number 10 mechanical sieving device. The Company shall place all lead particulates from the sieving into containers and shall store such containers in-doors until the contents are sold as lead scrap or are reprocessed for sale. The Company shall employ suitable precautions to minimize the generation of air-borne emissions and fugitive dust during all phases of the handling of the rubber fragments.

2. The Company shall not store the processed rubber fragments at the Washington Avenue Plant shall be removed within one year from the effective date of this Agreement.

3. Up to 1,000 tons of any processed rubber fragments may be used in road construction as asphalt road base course asphalt (black base) with a maximum blend of 5 to 10 percent, by volume, of the total base course in the base layer. The Company shall not sell rubber fragments for incorporation into asphalt unless the purchaser has obtained all necessary Agency permits relevant to the use of rubber fragments in asphalt. Two working days prior to the incorporation of rubber fragments into asphalt, the Company shall notify the Director of the intention to do so.

4. When rubber-fragment asphalt road base course material is used in road construction, it shall be covered by three inches of asphalt containing no rubber fragments. Ten days prior to incorporating any rubber-fragment asphalt road base course material into a road, the Company shall notify the Director of the intention to do so.

h. Soil Contamination Investigation Plan, Washington Avenue Plant.

Within 30 days of the effective date of the Agreement the Company shall submit to the Director a written plan to investigate the extent of horizontal and vertical soil contamination that has resulted from the Company's past activities at the Washington Avenue Plant. The plan may provide for different phases of the investigation based on the timing of the elimination of waste piles at the site. The plan shall include the following:

1. A proposed plan and schedule for soil sampling and analysis, to be completed within 180 days after approval of the plan by the

Director. The plan shall provide for sampling and analysis of the following soils:

a) The first 12 inches of soil over the entire site using representative sampling methods which will identify the presence or absence of contaminated soils; and

b) Soils underlying the first 12 inches of soil where the first 12 inches are contaminated soils. Soil inspections shall continue in 12 inch lifts for the first three feet and then in two foot lifts thereafter until the extent of vertical and horizontal contamination attributable to the Company has been identified, but nothing herein shall prevent the Company at its option from conducting additional inspections and analyses of soil layers by lifts less than the specified vertical dimensions;

2. A description of procedures to be used for the sampling and laboratory analysis of soils. These procedures shall include methods for the collection of soil samples, the laboratory's analytical methods, detection limits and quality assurance programs; and

3. A description of procedures to be used for proper closure and grouting of soil boring sites.

i. Implementation of Soil Contamination Investigation Plan, Washington Avenue Plant. Upon receipt of notification by the Director of approval of the soil contamination investigation plan for the Washington Avenue Plant, the Company shall implement the plan.

j. Reporting Requirements, Washington Avenue Plant.

1. Soil Contamination Investigation Report.

Within 30 days of the Company's receipt of the analytical data obtained from the soil contamination investigation, the Company shall submit a written report of the results to the Director. The report shall include the following:

a) Results of the soil inspections, including a drawing of the site to a suitable scale depicting all soil sampling locations;

b) Soil sampling analytical results, including test procedure identification and laboratory test precision;

c) A conclusion as to the extent and degree of soil contamination over the site, detailing estimated soil volumes with horizontal and vertical dimensions;

d) A discussion of all analytical discrepancies;

e) A summary and conclusion including all relevant scientific and professional observations necessary to define the potential impacts of measured soil contamination.

f) A conclusion as to the probability that ground water contamination has resulted from the contamination of soils.

k. Ground Water Contamination Investigation Plan, Washington Avenue Plant. If the Director finds, based on the results of the soil contamination investigation, that ground water contamination attributable to the Company is

likely to have reached the first surficial drift aquifer beneath the Washington Avenue Plant, the Director will so notify the Company. Within 60 days of the Company's receipt of such notification, the Company shall submit to the Director a proposed plan for monitoring the aquifer. The plan shall contain the same elements as the ground water contamination investigation plan which the Company is required by Parts B.2.b.4.-7. of this Agreement to prepare for its Shafer Plant.

1. Ground Water Contamination Investigation Report. The Company shall report the results of its ground water contamination investigation in the manner set forth in Part B.2.d. of this Agreement.

m. Penalty. This Agreement does not require the Company to pay into the Treasury of the State of Minnesota a monetary penalty. The Agency intends to use the information obtained as a result of the requirements of this Agreement to evaluate the amount and extent of environmental damages resulting from Company operations. Such information together with other appropriate considerations may be used to calculate a future penalty against the Company, but nothing herein shall be construed to be an agreement by the Company to accept or pay any such penalty.

2. Agency. In consideration of the Company's performance of the terms, covenants, and agreements contained herein, the Agency agrees that, during the period between the effective date of this Agreement and its termination date,

the Agency shall not take additional enforcement action against the Company for the violations of Minnesota statutes and rules alleged in part A.6. of this Agreement, so long as the Company is in compliance with the terms of this Agreement. The parties recognize that upon the termination of the Agreement, the Agency will have the option to pursue any of the remedies available to it pursuant to Minnesota Statute §115.071, Subdivision 1 (1982) to enforce the Minnesota statutes and rules listed in Part A.6. of this Agreement.

3. General Conditions.

a. Remedies of the Parties. The terms of this Agreement shall be legally enforceable by either party in a court of competent jurisdiction and each of the parties retains the right to assert any legal, equitable, or administrative right of action or defense which may be available by law in order to implement or enforce the terms of this Agreement.

b. Liability and Obligation. Except as specifically set forth in paragraph B.2. of this Agreement, this Agreement shall not release the Company from any liability or obligation imposed by Minnesota statutes, rules or local ordinances now in effect or which may be adopted in the future.

c. Additional Efforts. Nothing in this Agreement shall preclude the Agency from exercising any administrative, legal and equitable remedies available to it to require additional efforts by the Company in the event that the implementation of paragraphs B.1.a. through B.1.e. is not adequate to achieve compliance with Minnesota hazardous waste rules.

d. Agency Monitoring. The Company shall allow the Agency or any authorized member, employee or agent thereof, upon presentation of credentials, access at reasonable times to the Company's property and facilities to obtain such information and documentation as authorized by appropriate Minnesota Statutes which is relevant to making a determination that the Company is in compliance with the terms of this Agreement.

e. Emergency Powers. Nothing in this Agreement shall prevent the Agency from exercising its emergency powers pursuant to Minnesota Statute §116.11 (1980) in the event conditions warranting action should arise.

f. Successors. This Agreement shall be binding upon the Company, its successors and assigns, and upon the Agency, its successors and assigns.

g. Continuing Company Obligation. Should the Company sell or otherwise convey or assign any of its right, title or interest in the facilities described in paragraph A.2., such sale or other conveyance shall not release the Company from any obligation imposed by this Agreement, unless the party to whom the right, title or interest has been transferred or assigned agrees in writing to fulfill the obligations of this Agreement and the Agency approves such transfer or assignment.

h. Amendments. This Agreement may be amended at any time by written agreement of the parties.

i. Extension of Time. The Director shall grant extensions of time schedules stated herein in the event the Company demonstrates good cause to the Director for granting such extensions. Such extensions shall be commensurate with the delays involved.

j. Effective Date. This Agreement shall be effective upon the date it is signed by the last signatory hereto.

k. Termination. This Agreement shall terminate 30 days after the completion of the last obligation of the Company set forth herein but in no case shall the Agreement extend beyond eighteen (18) months from the Agreement effective date.】

UNION SCRAP IRON AND METAL COMPANY

MINNESOTA POLLUTION CONTROL AGENCY

By \_\_\_\_\_

By \_\_\_\_\_

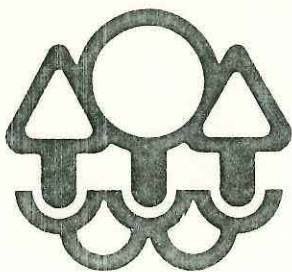
Dale L. Wikre

Director

Solid and Hazardous Waste Division

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1983.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1983.



## Minnesota Pollution Control Agency

January 4, 1983

Mr. Richard Rosen, General Manager  
Union Scrap Iron and Metal Company  
210 - 15th Avenue North  
Minneapolis, Minnesota 55411

Dear Mr. Rosen:

Re: Revised Stipulation Agreement

Enclosed for your review is the revised Stipulation Agreement between the Union Scrap Iron and Metal Company and the Minnesota Pollution Control Agency (MPCA). This is the revised agreement that was first submitted to you on August 28, 1982 and your counsel, Mr. Robert Johnson, submitted the company's response to the MPCA on November 2, 1982.

You are requested to respond in writing within 20 days of receipt of this letter as to the final company position with respect to the proposed Stipulation Agreement. Please be advised, however, that the staff is very concerned about the length of time that has been expended thus far by the state without obtaining a signed agreement. We anticipate that an agreement can be reached in January, 1983 and appreciate the cooperation demonstrated thus far, however, in case such an agreement is not reached, then the division staff is prepared to recommend to the MPCA Board in February, 1983 that legal action be authorized.

If there are any questions about this agreement or your alternatives regarding the state or federal hazardous waste programs, please contact me at 612/297-3365.

Sincerely,

*Larry Christensen for*  
C. Bruce Wilson  
Compliance and Enforcement Unit  
Regulatory Compliance Section  
Solid and Hazardous Waste Division

CBW:cj  
Enclosure  
cc: See Attached List

**RECEIVED**

JAN 06 1983

WASTE MANAGEMENT BRANCH  
EPA, REGION V

Phone: 612/297-3365

1935 West County Road B2, Roseville, Minnesota 55113-2785

Regional Offices • Duluth/Brainerd/Detroit Lakes/Marshall/Rochester

Equal Opportunity Employer

Mr. Richard Rosen  
Page Two

The following people received a copy of this letter.

cc: Ken Skahn, U.S. Environmental Protection Agency, Chicago  
Glen Keicker, City of Minneapolis, Minneapolis  
Robert Johnson, Popham, Haik, Ltd, Minneapolis  
Greg Lie, Hennepin County Hazardous Waste Office, Hopkins  
Gary Pulford, MPCA Division of Air Quality, Roseville

STATE OF MINNESOTA

MINNESOTA POLLUTION

COUNTY OF RAMSEY

CONTROL AGENCY

In the Matter of the Alleged  
Violation of Minnesota Statutes 115.061,  
116.081, and Minnesota Rules 6 MCAR §§4.6004,  
4.8022, 4.8014, and 4.9004 and 4.9010 by  
Union Scrap Iron and Metal Company

STIPULATION AGREEMENT

A. RECITALS

1. Parties. The parties to this Agreement are the Minnesota Pollution Control Agency, hereinafter the "Agency," and Union Scrap Iron and Metal Company, hereinafter the "Company."

2. Company Operation. The Company owns and operates a facility located at 1608 Washington Avenue North in Minneapolis, Minnesota and formerly operated a hazardous waste facility on leased land located at 129 Plymouth Avenue North in Minneapolis, Minnesota.

3. Agency Authority. The Agency is a statutory agency of the state of Minnesota charged with overall powers and duties to administer and enforce all laws, statutes, standards, rules, and stipulation agreements relating to the prevention, control, or abatement of water, air, noise, and land pollution and to the management, collection, treatment, transportation, storage, and disposal of solid and hazardous waste in the state. This authority is specifically described in Minnesota Statutes 115 and 116 (1980).

4. Rules. The Agency, after legal notice and hearing, has adopted and has filed in the Office of the Secretary of State, rules that have the force and effect of law and general application throughout the state of Minnesota.

5. Background.

a. 129 Plymouth Avenue North (Shafer Plant). The Company operated a battery scrapping facility at the Shafer Plant (Union Scrap Iron and Metal Company Plant No. 1) from 1973 through 1981. The scrapping operation involved processing nonreusable wet charge batteries for the purpose of recovering lead scrap and other by-products of the salvage. The facility property was leased from the Minnesota Department of Transportation (MnDOT).

The Company's Plant No. 1 has been on notice from several regulatory agencies, i.e., the Agency, the city of Minneapolis, and the Metropolitan Waste Control Commission, for alleged pollution violations since June 12, 1973. Plant operations involved the breaking or sawing open of wet batteries followed by the segregation of lead plates, battery cases, and battery tops ~~with some of the battery acid and certain contaminants being collected in a limestone trench at inside the north end of the plant which was designed by the Company for that purpose.~~ Battery lead and fragments were stored in lugger boxes that resulted in the drainage of some battery acids into the ground. Incidents of acid leakage into the ground and spillage reaching the sidewalks and Plymouth Avenue North and into both sanitary and storm sewers have been alleged by the aforementioned agencies. The Company did replace a corroded storm sewer basin.

The Company ended plant operations on or before March 6, 1981, which was the last day of the lease agreement between the Company and MnDOT.

As a result the Agency concerns, the Company was required to undertake a Phase I study at the site. The Phase I study determined that the Company had contaminated the surface soils and subsurface soils with at least lead, sulfate, and acid on the property as a result of leakage and handling and storage of batteries, battery fragments and acid. Previous sampling by regulatory agencies has also documented contamination by the company of the surface waters near the plant with lead and acid. At this time it is not known if ground water contamination has occurred ~~either per se or~~ because of past Company operations.

The Company received an Agency Notice of Violation on June 22, 1982 for violations of state hazardous waste regulations.

It was determined by the property owner, regulatory agencies, and the Company that it was in everyone's best interests to demolish the building structure during the fall of 1982. Prior to demolition, the Company requested that the structure's floors be scraped to remove potential accumulations of lead. The Company then completed the cleaning of the building floors, excavated a trench area inside the north end of the building and approximately the top three inches of soil in the outside triangle on the south side of the site. Said cleanup and excavated materials are being held in storage containers by the Company.

b. 1608 Washington Avenue North. The Company has operated a battery fragment processing facility at the 1608 Washington Avenue North site (Union Scrap Iron and Metal Company Plant No. 2) since about 1973. Battery tops and fragments generated from Company plants have been stored out-of-doors at the site since 1973. On-site operations also consisted of a fragment crushing and segregation operation whereby lead and plastic materials

are removed and stored for resale. The rubber battery fragments were returned to out-of-door ~~storage~~ piles.

The Company's Plant No. 2 has been on notice from regulatory agencies, i.e., the Agency and the city of Minneapolis, for alleged pollution violations since April 3, 1979 when lead debris were observed on the city streets and easements. The Agency issued the Company a Notice of Violation for fugitive lead emissions on May 5, 1980. The Company has also been placed on notice for alleged violations of federal hazardous waste regulations resulting from alleged improper handling, storage, and disposal of hazardous waste and for not allowing a U.S. Environmental Protection Agency (U.S. EPA) representative to sample the pile on-site ~~storage-pile~~. Another Notice of Violation was issued to the Company on June 22, 1982 for violations of state hazardous waste regulations

6. Alleged Violations.

a. The Shafer Plant, located at 129 Plymouth Avenue North was operated by the Company from about 1973 through 1981 with the following alleged violations of Minnesota statutes and rules.

1) 6 MCAR §4.6004 (Minn. Rule SW 4) states in part:

"Solid waste shall not be deposited at any intermediate or final solid waste disposal site in such a manner that material or leachings therefrom may cause pollution of ground or surface waters.

"A person shall make an intermediate or final disposal of any solid waste only at a site or facility for which a permit has been issued by the Agency unless otherwise provided by these regulations."

Minnesota Rule SW 4, prior to June 18, 1979, further provided:

"Disposal of toxic and hazardous wastes shall be in a safe and pollution-free manner and in compliance with the regulations of federal, state and local governments and their regulatory agencies."

The Agency alleges that the Company disposed of solid and toxic and hazardous waste in a manner that does not comply with the provisions of this rule.

2) 6 MCAR §4.8022 (d)(2),(3), and (4) state:

"(2) No sewage, industrial waste, other waste, or other pollutants shall be allowed to be discharged to the unsaturated zone or deposited in such place, manner or quantity that the effluent or residue therefrom upon reaching the water table, may actually or potentially preclude or limit the use of the underground waters as a potable water supply, nor shall any such discharge or deposit be allowed which may pollute the underground waters. All such possible sources of pollutants shall be monitored at the discharger's expense as directed by the Agency.

"(3) Treatment, safeguards or other control measures shall be provided by the person responsible for any sewage, industrial waste, other waste, or other pollutants which are to be or have been discharged to the unsaturated zone or deposited there, or which have been discharged to the zone of saturation, to the extent necessary to ensure that the same will not constitute or continue to be a source of pollution of the underground waters or impair the natural quality thereof.

"(4) Toxic pollutants including but not limited to, radioactive substances, chemicals, metals, solvents, petroleum products, plating wastes, and acids and bases, shall not be discharged or deposited in any manner such as to endanger the quality or uses of the underground waters."

The Agency alleges that the Company did not have the proper containment safeguards for the handling of toxic wastes and thereby caused pollutants to be deposited in violation of the provisions of this rule.

3) Minnesota Statute §115.061 (1980) states:

"115.061 DUTY TO NOTIFY AND AVOID WATER POLLUTION. It is the duty of every person to notify the agency immediately of the discharge, accidental or otherwise, of any substance or material under its control which, if not recovered, may cause pollution of waters of the state, and the responsible person shall recover as rapidly and as thoroughly as possible such substance or material and take immediately such other action as may be reasonably possible to minimize or abate pollution of waters of the state caused thereby."

The Agency alleges that the Company repeatedly discharged hazardous wastes from its operations and failed to recover the hazardous wastes in violation of the provisions of this statute.

4) 6 MCAR §4.9010 A and B state:

"A. Duty to report. Any person who owns, has possession of, or otherwise has control of a hazardous waste that spills, leaks or otherwise escapes from a container, vehicle tank, storage tank, portable tank or other containment system, including its associated piping, shall immediately notify the agency if the hazardous waste may cause pollution of the air, land, or waters of the state. The person shall use, when applicable, the agency's 24-hour telephone notification service.

B. Duty to recover. Any person who owns, has possession of, or otherwise has control of a hazardous waste that spills, leaks, or otherwise escapes from a container, vehicle tank, storage tank, or other containment system, including its associated piping, shall recover the hazardous wastes as rapidly and as thoroughly as possible and shall immediately take such other action as may be reasonably possible to protect human life and health and minimize or abate pollution of the water, air or land resources of the state caused thereby."

The Agency alleges that the Company failed to report and recover hazardous wastes that were spilled or leaked from containers, containment systems and associated piping in violation of the provisions of this rule.

- 5) 6 MCAR §4.8014 (c)(13) states in part:

"No sewage, industrial waste or other wastes shall be discharged into the intrastate waters of the state in such quantity or in such manner alone or in combination with other substances as to cause pollution thereof as defined by law."

The Agency alleges that the Company deposited wastes on Company property which may have been discharged or which may potentially be discharging to the Mississippi River.

- 6) Minnesota Statute §116.081 Subdivision 1 (1980) states in part:

"116.081 PROHIBITIONS. Subdivision 1. Obtain Permit. It shall be unlawful for any person to construct, install or operate an emission facility, air contaminant treatment facility, treatment facility, potential air contaminant storage facility, storage facility, or system or facility related to the collection, transportation, storage, or disposal of solid waste, or any part thereof unless otherwise exempted by any agency regulation now in force or hereinafter adopted, until plans therefor shall have been submitted to the agency, and a written permit therefor shall have been granted by the agency. The requirements of this section shall not be applied to motor vehicles."

The Agency alleges that the Company established and operated a hazardous waste facility without the required permit applications being filed with the Agency.

- 7) 6 MCAR §4.9004 C. 5(d) states in part:

"d. The facility operator shall not dispose of hazardous wastes in a manner that contaminates the soil unless such disposal is authorized in a Hazardous Waste Facility Permit."

The Agency alleges that the Company contaminated the soil with hazardous waste without Agency permit authority.

8) 6 MCAR §4.9004 C.1. states in part:

"a. The facility operator shall prepare procedures for personnel to follow in the case of spills of hazardous wastes and in the case of fire and other emergencies. The facility operator shall post these procedures in a conspicuous place at the facility site.

"b. The facility operator shall have safety equipment available at the facility site for use during spills, fires and other emergencies.

"c. The facility operator shall have available at all times written procedures for handling spills, fires and other emergencies. The facility operator shall train and instruct all personnel at the facility site in these procedures. The facility operator shall maintain records of the training and instruction programs that are held.

"d. The facility operator shall construct and begin operating a site monitoring system that is approved by the agency as adequate to determine the effect of the facility on the soil, ground water and air before accepting or storing any hazardous waste at the facility.

"e. The facility operator shall control access to the facility by the use of fences, gates, locks and other similar methods and allow access only to persons who are knowledgeable in the safety and emergency procedures needed for handling the hazardous waste. The facility operator shall provide security against unauthorized entry onto the site....

"i. The facility operator shall prevent the discharge of hazardous waste from the facility to the surface waters or ground waters of the state. The facility operator shall prevent hazardous waste from entering drains, sewer inlets, storm sewers, sanitary sewers, doorways, vents, tunnels, pipes, windows or areas with permeable earth or soil floors."

The Agency alleges that the Company operated a hazardous waste facility without complying with the provisions of this rule.

b. The Union Scrap Iron and Metal Plant No. 2, located at 1608 Washington Avenue North has been operated by the Company from about 1973 through the present, with the following alleged violations of Minnesota statutes and rules.

- 1) Minnesota Statute §115.061 (1980) is stated in part on page 6 of this Agreement.

The Agency alleges that the Company has repeatedly discharged hazardous wastes from its operations and failed to recover and provide adequate safeguards for the prevention of hazardous waste discharges from its facility in violation of the provisions of this statute.

- 2) 6 MCAR §4.6004 (Minnesota Rule SW 4) is stated in part on page 4 of this Agreement.

The Agency alleges that the Company disposed of solid and toxic and hazardous waste in a manner that does not comply with the provisions of this rule.

- 3) 6 MCAR §4.8022 (d)(2), (3), and (4) is stated, in part, on page 5 of this Agreement.

The Agency alleges that the Company has not complied with the provisions of this rule.

- 4) Minnesota Statute §116.081 Subdivision 1 (1980) is stated in part on page 7.

The Agency alleges that the Company has violated the provisions of this statute.

- 5) 6 MCAR §4.9004 C.1. states in part:

"C. Hazardous waste facility operation.

1. General. No person shall operate a hazardous waste facility except in conformance with the following requirements:

a. The facility operator shall prepare procedures for personnel to follow in the case of spills of hazardous waste and in the case of fire and other emergencies. The facility operator shall post these procedures in a conspicuous place at the facility site.

b. The facility operator shall have safety equipment available at the facility site for use during spills, fires and other emergencies.

c. The facility operator shall have available at all times written procedures for handling spills, fires and other emergencies. The facility operator shall train and instruct all personnel at the facility site in these procedures. The facility operator shall maintain records on the training and instruction programs that are held.

d. The facility operator shall construct and begin operating a site monitoring system that is approved by the agency as adequate to determine the effect of the facility on the soil, ground water and air before accepting or storing any hazardous waste at the facility.

e. The facility operator shall control access to the facility by the use of fences, gates, locks and other similar methods and allow access only to persons who are knowledgeable in the safety and emergency procedures needed for handling the hazardous waste. The facility operator shall provide security against unauthorized entry onto the site...

h. The facility operator shall not allow scavenging at the facility.

i. The facility operator shall prevent the discharge of hazardous waste from the facility to the surface waters or ground waters of the state. The facility operator shall prevent hazardous waste from entering drains, sewer inlets, storm sewers, sanitary sewers, doorways, vents, tunnels, pipes, windows or areas with permeable earth or soil floors."

The Agency alleges that the Company has been operating a hazardous waste facility without complying with the provisions of this rule.

6) 6 MCAR §4.9004 C.3. states:

"c. The facility operator shall store hazardous waste in containers and tanks in a manner such that the facility operator can locate any

shipment of hazardous waste and any hazardous waste from any particular generator stored on the site.

d. The facility operator shall store hazardous waste in containers and tanks that are located out-of-doors only within a liner and dike system which meets the following requirements:

(1) The liner and dike system shall have a permeability rate no greater than  $10^{-7}$  centimeters per second when being subjected to a head of one foot of water and shall be of a composition that will not increase in permeability as a result of contact with hazardous waste.

(2) The liner and dike system shall be constructed so as to hold a volume equal to the volume of the largest storage tank plus the total capacity of all containers and portable tanks plus one foot of freeboard.

(3) The interface between the dike and underlying liner shall be constructed so as to provide a seal against movement of hazardous waste or solutions thereof.

(4) The dike shall be constructed in a manner that provides necessary ramps for vehicles needing access to the storage areas."

The Agency alleges that the Company has been operating a hazardous waste facility without complying with the provisions of this hazardous waste facility rule.

7) Minn. Rule APC 6 states in part:

"(a) No person shall cause or permit the handling, use, transporting, or storage of any material in a manner which may allow avoidable amounts of particulate matter to become air-borne.

(b) No person shall cause or permit a building or appurtenances or a road, or a driveway, or an open area to be constructed, used, repaired or demolished without applying all such reasonable measures as may be required to prevent particulate matter from becoming air-borne. The Director may require such reasonable measures as may be necessary to prevent particulate matter from becoming air-borne including, but not limited to, paving or frequent clearing of roads, driveways and parking lots; application of dust-free surfaces; application of water; and the planting and maintenance of vegetative ground cover."

The Agency alleges that the Company has allowed avoidable amounts of particulate matter to become air-borne in violation of the provisions of this rule.

7. Company Denial. The Company denies each and every allegation set forth herein and nothing contained herein shall be construed as an admission of any allegation or admission of liability.

8. Purpose of Agreement. The purpose of this Agreement is to: 1) Identify the study requirements that will be prerequisite to defining the extent, if any, of soil and ground water contaminations at both Company sites; 2) Define an Agency approved method for recycling of rubber fragments ~~such as those~~ currently in out-of-door storage at 1608 Washington Avenue North; and 3) To assist in ~~Identify~~ identifying remedial actions, if any, necessary to correct contamination resulting from Company operations. A schedule and plan for the Company performed ~~necessary~~ corrective actions will be defined in a second stipulation agreement following the submission of information and plans required by this Agreement, ~~but nothing herein shall prevent the Company from undertaking such approved remedial action as may be appropriate prior thereto.~~ This Stipulation Agreement shall not resolve the violations alleged in Section A.6.

B. AGREEMENT

NOW, THEREFORE, it is hereby agreed and stipulated as follows:

1. Company. The Company agrees to implement the following program at its former facility located at 129 Plymouth Avenue North and its current facility located at 1608 Washington Avenue North.

a. Consultant. Within 15 days after the effective date of this Agreement, the Company shall acquire the services of an experienced consultant to provide the Company with the technical expertise to perform the tasks set forth in this Agreement.

b. Definitions. For the purpose of this Agreement, the following definitions are provided:

1) Contaminated soils henceforth in this Agreement are those that:

a) Exhibit the characteristic of corrosivity as defined in 6 MCAR §4.9001 or 40 CFR §261.22; and/or

b) Exhibit the characteristic of EP Toxicity as defined in 40 CFR §261.24 for cadmium, lead, or arsenic; and/or

c) The Company will also analyze all soil samples taken pursuant to this Agreement for total lead concentrations to determine if said concentrations are equal to or greater than 600 micrograms per gram of soil, but soils with such concentrations shall not be considered contaminated for this reason if they are deleted from existing Agency regulations or while they are proposed for deletion or amendment to a higher concentration.

2) Rubber fragments henceforth in this Agreement are those fragments that have been ~~and will be~~ generated from battery reclamation operations and ~~are~~ were segregated from lead and plastic materials, and are stored at 1608 Washington Avenue North in Minneapolis, Minnesota. The Company has about ~~1,000~~ 50 tons of rubber fragments in out-of-doors piles stored at its Plant No. 2, ~~and a substantially lesser amount currently stored at its Poly-Metal Products Plant located at 2489 Valentine in St. Paul, Minnesota.~~ The rubber fragments have been tested on several occasions and found to fail the test for toxicity and are, therefore, hazardous wastes.

3) Director in this Agreement means the Director of the Solid and Hazardous Waste Division of the ~~Minnesota Pollution Control~~ Agency.

c. Soil and Ground Water Contamination Investigation Plan. (For Company's Plant No. 1.) The purpose of the soil and ground water contamination investigation plan is to define the soil boring, ground water monitoring, sampling, and laboratory analysis study elements that will be required to identify the horizontal and vertical soil and ground water contamination, if any, resulting from the Company's past on-site activities. The information compiled from the study will be summarized in a final report for the purpose of defining remedial actions, if any, that will be taken to protect human health and reasonably abate pollution of the environment.

1) Most Probable Areas of Deep Soil Contamination.

Most probable areas of deep soil contamination are the two outdoor areas used for battery storage and which the Company has identified as areas which may have received spillage and drainage from batteries and fragments; indoor areas which were used to crush the batteries and treat the battery acid; and indoor areas

where corrosive process waters and wastes may have corroded sanitary sewers to the extent that waste waters reached the ground.

2) Investigation Plan Contents and Requirements. Within 30 days after the effective date of this Agreement, the Company shall submit for approval by the Director a plan and schedule for expeditious sampling and analysis of soils and ground water on the site. This plan shall be implemented in accordance with the approved schedule and shall include the following provisions:

a) A schedule, plan, and methods, for the following investigations of potential soil contamination:

(1) The areas of most probable deep soil contamination;

(2) The first 12 inches of soil over the entire site by representative sampling methods which will identify the presence or absence of contaminated soils; and

(3) The soils underlying the first 12 inches of soil where the first 12 inches are contaminated soils. Soil inspections shall continue in 12 inch lifts for the first three feet and then in two foot lifts thereafter until the extent of vertical and horizontal contamination attributable to the Company have been identified, but nothing herein shall prevent the Company at its option from inspection and analysis ~~in less than the lifts specified.~~ of soil layers by lifts less than the specified vertical dimensions.

b) Procedures for the sampling and the laboratory analysis of soils. These procedures shall include methods for the collection of soil samples, the laboratory's analytical methods, detection limits and quality assurance programs.

c) Installation of a minimum of three monitoring wells into the first surficial drift aquifer beneath the site if the soil contamination analyses demonstrate that there is a potential for contamination which may be reasonably attributable to the Company, to reach said aquifer. The monitoring wells shall be screened three to five feet, ~~or larger at the option of the Company,~~ into the top of this aquifer. The wells shall be located so that one well monitors the ground water entering the site (upgradient well) and two wells monitor the ground water leaving the site (downgradient wells).

d) Procedures for well construction and installation, ground water sampling, and laboratory analysis of the three monitoring wells sampled quarterly for one year after installation for pH, lead, arsenic, and sulfate. These procedures shall include the methods for collection and preservation of samples, the laboratory's analytical methods, quality assurance program, and the format for the reporting of analytical results to the Director. A statement of the laboratory's projected detection limits is also required. The monitoring wells shall be sampled by the Company within 60 days after their installation. The Agency staff shall have the option of splitting the water samples with the Company for analysis by the Minnesota Department of Health. If any of the constituent concentrations in the ground water are equal to or greater than standards listed in 6 MCAR §4.8014 (d)(1), (Minnesota Rule WPC 14 for drinking water standards), then the Company shall implement a quarterly (every three months) well sampling and analysis program for two years for all wells. This quarterly monitoring shall analyze ground water for pH, lead, arsenic and sulfate concentrations.

e) Procedures for the abandonment of the water monitoring wells as per 7 MCAR §1.218, Minnesota Department of Health Water Construction Code. Additionally, all boring sites shall have to be properly closed and grouted upon completion of the soil boring studies.

d. Reporting Requirements and Company Actions.

1) Soil Study Report. The Company shall report the results of the soil study within 30 days its receipt of ~~all~~ analytical data to the Agency's Solid and Hazardous Waste Division's Compliance and Enforcement Unit. The Company shall submit the soil study report to the same Unit no later than ~~100~~ 60 days after Company's receipt of all analytical data. This report shall include the following provisions:

a) Results of the soil inspections including a drawing of the site to a suitable scale depicting all soil sampling points;

b) Soil sampling analytical results including test procedure identification and laboratory test precision;

c) A written conclusion of the extent and degree of soil contamination over the site detailing estimated contaminated soil volumes with horizontal and vertical dimensions;

d) A discussion of all analytical discrepancies.

2) Ground Water Study Report. The Company shall report the results of any ground water study ~~made necessary by the soil contamination analyses~~ within 30 days of its receipt of ~~all~~ analytical data to the Agency's Solid and Hazardous Waste Division's Compliance and Enforcement Unit. The Company shall submit the ground water study report to the same Unit no later than 60 days after the Company's receipt of all analytical data. This report shall include the following provisions.

a) A written description of the ground water characteristics beneath the site including the water table depth, most probable ground water flow direction(s) and significant confining layers, if any, including permeabilities;

b) Ground water analytical results, test procedure identification, and laboratory precision and accuracy data;

c) A written conclusion of the extent and degree of ground water contamination comparing monitored ground water concentrations to drinking water standards listed in 6 MCAR §4.8014 (d)(1);

d) Background or upgradient ground water analyses for all pollutants being considered; and

e) A discussion of all analytical discrepancies.

2) Quarterly Ground Water Monitoring Report. The Company shall submit reports, subsequent to the initial ground water monitoring report outlined above, to the Agency's Division of Solid and Hazardous Waste's Compliance and Enforcement Unit within 20 days after the water sample analyses are received by the Company from the laboratory. Evaluation of the results in these reports shall include the following:

a) Each report shall include sample results, test procedure identification, laboratory test precision and accuracy (of spiked environmental samples) as well as a review and conclusion.

(1) If after one year of ground water monitoring, no degradation of the downgradient water quality, which may be reasonably attributable to the Company, is seen when compared to the respective upgradient ground water quality, then the Company may upon ~~request for~~ receipt of the Director's approval, discontinue the monitoring program.

(2) If after two years of ground water monitoring, the observed degradation, which may be reasonably attributable to the Company, has decreased significantly, then the Company may, upon ~~request for~~ receipt of

the Director's approval, discontinue the monitoring program. However, if after two years, the monitoring reports evidence contaminant levels which may be reasonably attributable to the Company in excess of drinking water standards listed in 6 MCAR §4.8014 ~~the National Effluent Industrial Water Discharge Standard~~ for the applicable constituents set forth in this Agreement, then the Company shall, submit to the Director a proposal for feasible remedial action(s) and upon written request of the Director, continue monitoring ground water. Such continuation of ground water monitoring shall be for an additional one year period after which the program will be discontinued or extended upon the same terms set forth in this paragraph relative to the discontinuation or extension after the two year monitoring period.

3) Remedial Action Plan. Within 45 days after the submission of the first ground water study report ~~or determination that such report is not necessary, whichever first occurs~~, the Company shall submit for approval by the Director, a proposed remedial action plan detailing the actions necessary to properly remedy soil and ground water contamination which may be reasonably attributable to the Company at the site. This plan shall include the following provisions:

a) A schedule and plan for the removal, if necessary, of contaminated soils on the site specifying excavation volumes and excavation methods;

b) A schedule and plan for the proper disposal and/or storage of excavated soils within 90 days of excavation;

c) Precautions to be taken to minimize the amounts of air-borne contaminated soils and fugitive dusts generated during excavations, transport and disposal activities and to protect personnel from the hazard of handling the contaminated soils during implementation of this plan;

d) A method of filling in of soil excavation sites. Unless otherwise appropriate by reason of future use of the site or the levels of constituents which may be reasonably attributable to the Company remaining at the site, soil excavation areas shall be backfilled with soils more impervious than the excavated soils and landscaped to promote runoff; and

e) A location(s) for the temporary storage of contaminated soils.

Except as otherwise specifically provided for in this Agreement or in Director approved plans, the Company shall comply with all applicable U.S. Environmental Protection Agency and Agency rules governing the storage and disposal of hazardous wastes. ~~All provisions of the remedial action plan are subject to the Agency obtaining authorization from the property owner for the Company to carry out said provisions, and such authorization shall not include terms or conditions unacceptable to the Company.~~ All provisions of the remedial action plan are subject to the Company obtaining authorization from the property owner for the Company to carry out said provisions.

e. The Company agrees to implement the following program at its Plant No. 2 to achieve compliance with Minnesota hazardous waste rules and to define the soil and ground water contamination, if any, resulting from on-site activities.

1) Waste Pile Additions Prohibited. The Company shall not place any additional materials in the piles storage at the site resulting from off-site activities until such a time as: a) the nature of potential soil and ground water contamination is defined; and b) facility safeguards are constructed to prevent the generation of leachate, water run-on and runoff, and fugitive dust emissions which cause violation of applicable ambient air standards.

2) Reuse of Rubber Fragments. The Company shall implement the following schedule and plan to remove and reuse all of the rubber fragments accumulated on-site.

a) The Company shall process the rubber fragment piles at its Plant No. 2 as expeditiously as possible ~~consistent with the capabilities for utilization by the reuser~~ by sieving all rubber fragments through a number 10 mechanical sieving device. All lead particulates from the sieving will be placed into containers and stored in-doors until sold as lead scrap or reprocessed for such sale. The Company will employ suitable precautions to minimize the generation of air-borne emissions and fugitive dusts during all phases of the handling of the rubber fragments.

b) The rubber fragments retained by the number 10 sieve process described above will be used in road construction as asphalt road base course asphalt (black base) with a maximum blend of 5 - 10 percent, by volume, of the total base course in the base course layer. The rubber fragment - asphalt road base course material will be covered by three inches of final cover asphalt which will contain no rubber fragment content. The area(s) of road surface created using the rubber fragment course material shall have to be identified in writing to the Director prior to rubber fragment usage. A

maximum of 50 tons of rubber fragments may be used for asphalt road course material that shall be removed from the 1608 Washington Avenue North site.

Rubber fragments presently at the Company's Plant No. 2 shall not be stored off of the 1608 Washington Avenue North ~~on a regular basis off site~~ prior to incorporation as asphalt road coarse material.

c) Any asphalt that incorporates rubber fragments under the terms of this Agreement, shall be generated by the Inver Grove facility of Bituminous Roadways Inc. or such other company that is in possession of all necessary Agency permits relevant to the use of rubber fragments into the asphalt. The Company shall notify the Agency's Division of Solid and Hazardous Waste Compliance and Enforcement Unit two working days prior to incorporation of rubber fragments into asphalt by any company.

~~d) The Company shall abide by the terms of this Agreement with regard to the reuse of rubber fragments presently stored or hereinafter generated at all of its present plans in Minnesota.~~

3) Soil Investigation Plan Submittal. (Company's Plant No. 2)

The purpose of the contamination investigation plan is to define soil boring and laboratory analysis study elements that may be necessary to identify contamination of the ~~outside storage area on the~~ site attributable to the Company. The study plan results will then be used to identify necessary remedial actions that the Company shall perform. Within 30 days after the effective date of this Agreement, the Company shall submit for approval by the Director, a schedule and plan for the expeditious study to determine if there is soil contamination. In developing and implementing the plan it is recognized that the outside storage area at the Company's Plant No. 2 is roughly comprised of the east one-half containing lead fragments and

the west one-half containing essentially rubber fragments and pieces of plastic ~~with neither part of the material presently stored thereon.~~ Thus The plan shall provide for a staged investigation that will commence on the west one-half of the site within 20 days after that portion of the site is clear of rubber fragments in accordance with paragraph B.1.e.2) of this Agreement. The investigation of the east one-half of the site will be commenced within 20 days after the lead fragments thereon are divided into three piles based on particle sizing to accelerate sale and/or recycling, with said piles being stored on the west one-half ~~or other property of the Company~~ in such manner while awaiting sale/recycling as to minimize run-on, runoff or leaching. The plan shall contain the following provisions:

a) A schedule and plan, including methods of inspection, for investigating soil contamination on the site. The first 12 inches of soil over the entire site shall be sampled and analyzed using representative sampling methods, to identify the presence or absence of contaminated soils.

b) Method of inspection of soils underlying the first 12 inches of soil where the first 12 inches are contaminated soils. Soil inspections shall continue in 12 inch lifts for the first three feet and then in two foot lifts thereafter until all contaminated soils have been identified by vertical and horizontal dimensions on the site, but nothing herein shall prevent the Company at its option from conducting additional inspections and analyses at less than the lifts specified.

c) Procedures for the sampling and analysis of soils.

These procedures shall include the methods for collection of soil samples, laboratory precision and accuracy data, laboratory analytical method identification and laboratory detection limits.

4) Ground Water Investigation Plant Submittal. Within 60 days after the soil investigation demonstrates that there is a potential for contamination from the site attributable to the Company to reach the first surficial drift aquifer beneath the site, the Company shall submit to the Director for approval a plan for monitoring said aquifer as per the requirements of B.1.c.2. c. and d.

5) Elimination of Existing Outside Storage. Within 30 days after the effective date of this Agreement, the Company shall prepare and submit a written schedule and plan for the Directors approval for the expeditious removal of the piles in accordance with the provisions of paragraph B.1.e.3).

f. Penalty. This Agreement does not include a monetary penalty that the Company shall pay into the Treasury of the State of Minnesota. The Agency shall use the information from the Company's reports provided for in this Agreement to evaluate the amount and extent of environmental damages resulting from Company operations. Such information together with other appropriate considerations may be used to calculate a future penalty against the Company, but nothing herein shall be construed to be an agreement by the Company to accept or pay any such penalty.

2. Agency. In consideration of the Company's performance of the terms, covenants, and agreements contained herein, the Agency agrees that, during the period between the effective date of this Agreement and its termination date,

the Agency shall not take additional enforcement action against the Company for the violations of Minnesota Statutes and rules alleged in part A.6. of this Agreement, so long as the Company is in compliance with the terms of this Agreement. The parties recognize that upon the termination of the Agreement, the Agency will seek performance by the Company of remedial actions and resolve the violations alleged in part A.6., either through an additional stipulation agreement or other appropriate enforcement action by the Agency.

3. General Conditions.

a. Remedies of the Parties. The terms of this Agreement shall be legally enforceable by either party in a court of competent jurisdiction and each of the parties retains the right to assert any legal, equitable, or administrative right of action or defense which may be available by law in order to implement or enforce the terms of this Agreement.

b. Liability and Obligation. Except as specifically set forth in paragraph B.2. of this Agreement, this Agreement shall not release the Company from any liability or obligation imposed by Minnesota statutes, rules or local ordinances now in effect or which may be adopted in the future.

c. Additional Efforts. Nothing in this Agreement shall preclude the Agency from exercising any administrative, legal and equitable remedies available to it to require additional efforts by the Company in the event that the implementation of paragraphs B.1.a. through B.1.e. is not adequate to achieve compliance with Minnesota hazardous waste rules.

d. Agency Monitoring. The Company shall allow the Agency or any authorized member, employee or agent thereof, upon presentation of credentials,

access at reasonable times to the Company's property and facilities to obtain such information and documentation which is relevant to making a determination that the Company is in compliance with the terms of this Agreement.

e. Emergency Powers. Nothing in this Agreement shall prevent the Agency from exercising its emergency powers pursuant to Minnesota Statute §116.11 (1980) in the event conditions warranting action should arise.

f. Successors. This Agreement shall be binding upon the Company, its successors and assigns, and upon the Agency, its successors and assigns.

g. Continuing Company Obligation. Should the Company sell or otherwise convey or assign any of its right, title or interest in the facilities described in paragraph A.2., such sale or other conveyance shall not release the Company from any obligation imposed by this Agreement, unless the party to whom the right, title or interest has been transferred or assigned agrees in writing to fulfill the obligations of this Agreement and the Agency approves such transfer or assignment.

h. Amendments. This Agreement may be amended at any time by written agreement of the parties.

i. Extension of Time. The Director shall grant extensions of time schedules stated herein in the event the Company demonstrates good cause to the Director for granting such extensions. Such extensions shall be commensurate with the delays involved.

j. Effective Date. This Agreement shall be effective upon the date it is signed by the last signatory hereto.

k. Termination. This Agreement shall terminate ~~six months after~~  
~~the~~ 30 days after completion of the last obligation of the Company set forth  
herein is completed ~~but in no case shall the Agreement extend beyond~~ or one  
year whichever comes first.

UNION SCRAP IRON AND METAL COMPANY

MINNESOTA POLLUTION CONTROL AGENCY

By \_\_\_\_\_

By \_\_\_\_\_

Dale L. Wikre  
Director  
Solid and Hazardous Waste Division

Dated this \_\_\_\_\_ day of \_\_\_\_\_,  
1983.

Dated this \_\_\_\_\_ day of \_\_\_\_\_,  
1983.



## Minnesota Pollution Control Agency

July 12, 1982

Mr. Richard Rosen, General Manager  
Union Scrap Iron and Metal Company  
210 15th Avenue North  
Minneapolis, Minnesota 55411

RECEIVED

JUL 14 1982

WASTE MANAGEMENT BRANCH  
EPA, REGION V

Dear Mr. Rosen:

Re: Preliminary Stipulation Agreement Meeting Summary

Union Scrap Iron and Metal Company's technical representative, Mr. Cary Perket, met with the Minnesota Pollution Control Agency (MPCA) staff on June 24, 1982 for the purpose of negotiating the basic requirements of a Stipulation Agreement for the purpose of resolving deficiencies and violations.

I will briefly review the issues which were discussed with Mr. Perket for confirmation purposes only. It will be necessary that you attend future negotiations so that all issues of the Stipulation Agreement can be addressed.

129 North Plymouth Avenue

The corrective or remedial actions that will be required at the former Union Scrap Iron and Metal Plant No. 1 were reviewed. The company is to retain a qualified consultant for the purpose of defining a remedial action work plan according to the provisions and schedule of the Agreement. The plan would require MPCA Director approval prior to implementation and would enable the company and the MPCA to define the extent of horizontal and vertical soil contamination. Additionally, it would require provisions to determine whether or not the ground water has been degraded and if degraded, to monitor the effectiveness of the remedial actions. Other provisions of the Agreement were also discussed.

1608 Washington Avenue North

The remedial actions that will be required at the Union Scrap Iron and Metal Plant No. 2 include:

1. An exploration of soil contamination;
2. Upgrading of the hazardous waste facility;

Phone: \_\_\_\_\_

1935 West County Road B2, Roseville, Minnesota 55113-2785

Regional Offices • Duluth/Brainerd/Detroit Lakes/Marshall/Rochester

Equal Opportunity Employer



Mr. Richard Rosen  
Page Two

3. Contaminated soils excavation;
4. Potential ground water monitoring; and
5. Reporting requirements.

The MPCA requests that no additional wastes be added to this facility from any sources until such time that the site is in compliance with state and federal statutes. Other provisions of the Agreement were also discussed, and in particular, the concern is that lead bearing sediments have again been generated and discharged to the storm sewers. The storm sewers discharge to the Mississippi River and this may be the focus of additional violations and water pollution concerns.

Mr. Perket had mentioned that you may have a prospective market for the approximately 1,000 tons of waste rubber fragments that have been stored for many years at 1608 Washington Avenue North. You are requested to submit a disposal summary for waste rubber fragments to this office for approval prior to implementation when you have a better idea of your options.

The Agreement provisions relating to penalties were not reviewed in detail because your technical representative did not have the authority to discuss this issue. The Agreement will contain a monetary penalty which the MPCA feels is commensurate with the environmental damage, degree of noncompliance, and MPCA staff time expended for this problem.

We will arrange another negotiation meeting when the draft Agreement is prepared for your review. If your consultant prepares a remedial action plan for the 120 Plymouth Avenue North site, we will seriously consider incorporating his plan in the Agreement. I anticipate having the next meeting about mid-July, 1982.

Thank you for your assistance in resolving this matter.

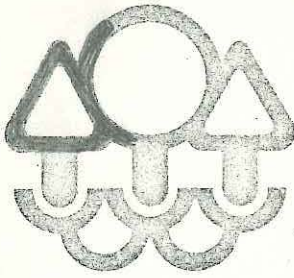
Sincerely,



C. Bruce Wilson  
Enforcement Unit  
Regulatory Compliance Section  
Solid and Hazardous Waste Division

CBW/sf

cc: Kenneth Skahn, U.S. Environmental Protection Agency, Region V, Chicago  
Greg Lie, Hennepin County Hazardous Waste Officer



## Minnesota Pollution Control Agency

June 18, 1982

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

RECEIVED  
JUN 23 1982  
WASTE MANAGEMENT BRANCH  
EPA REGION V

Mr. Richard Rosen, General Manager  
Union Scrap Iron and Metal Company  
210 15th Avenue North  
Minneapolis, Minnesota 55411

Dear Mr. Rosen:

Re: Notice of Violation, Hazardous Waste Facilities Violations

Enclosed and hereby served upon you by Certified U.S. Mail is a Notice of Violation issued for failure to comply with numerous provisions of Minnesota Statutes and Rules as a result of improper storage, handling, and disposal of hazardous wastes which have resulted in the contamination of soils and potentially the ground water at 129 Plymouth Avenue North and 1608 Washington Avenue North in Minneapolis, Minnesota.

The Minnesota Pollution Control Agency (MPCA) has been requesting that Union Scrap Iron and Metal Company (hereinafter the Company) perform necessary soil and ground water studies to determine the extent of necessary excavations to remove any real or potential threats to human health or the environment for the 129 Plymouth Avenue North and the 1608 Washington Avenue North sites under a plan which has prior approval of the MPCA. This plan and MPCA required Company actions shall not prevent the initiation of any action(s) by third parties.

You are hereby served notice that the problems associated with your hazardous waste storage, disposal and transport are considered significant and warrant your immediate attention and can not be allowed to continue. The MPCA and the Company shall negotiate a Stipulation Agreement within 30 days of receipt of this letter and Notice of Violation.

Phone: \_\_\_\_\_

1935 West County Road B2, Roseville, Minnesota 55113-2785

Regional Offices • Duluth/Brainerd/Detroit Lakes/Marshall/Rochester

Equal Opportunity Employer



Mr. Richard Rosen  
Page two

Failure to comply shall result in the initiation of further enforcement actions.

If you should have any questions concerning this matter, please contact me at 612-297-2731.

Sincerely,



C. Bruce Wilson  
Enforcement Unit  
Regulatory Compliance Section  
Solid and Hazardous Waste Division

CBW:sf

Enclosure

cc: Ken Skahn, U.S. Environmental Protection Agency, Region V, Chicago  
Glen Keicker, City of Minneapolis, Minneapolis  
Lee Holden, Ramsey County Hazardous Waste Officer, Roseville  
Greg Lie, Hennepin County Hazardous Waste Officer, Hopkins

STATE OF MINNESOTA  
MINNESOTA POLLUTION CONTROL AGENCY  
DIVISION OF SOLID AND HAZARDOUS WASTE

In The Matter of Violation by  
Union Scrap Iron and Metal Company,  
of Minnesota Statutes and Rules

NOTICE OF VIOLATION

To: Mr. Richard Rosen, General Manager  
Union Scrap Iron and Metal Company  
210 15th Avenue North  
Minneapolis, Minnesota 55411

PLEASE BE ADVISED, that the Minnesota Pollution Control Agency, hereinafter referred to as the Agency, has sufficient information to document that Union Scrap Iron and Metal Company, hereinafter referred to as the Company, has violated numerous provisions of Minnesota Statutes and Rules by using improper storage and handling practices at two of its operating sites which are located in Minneapolis, Minnesota. These locations include the Company operated Shafer Recycling Plant, which was known as Union Scrap Iron and Metal Company Plant #1 and the battery processing facility currently being operated at 1608 Washington Avenue North, which is known as Union Scrap and Metal Company Plant #2.

A. The Shafer Plant, located at 129 Plymouth Avenue North was operated by the Company from 1973 through 1981 with the following violations summarized for this site.

1. The Company has violated Minnesota Statutes 115.061 (1980), Minnesota Rules 6 MCAR § 4.8014 (c)(13), 6 MCAR § 4.8022 (d)(2), (3), and (4), 6 MCAR § 4.6004 (Minnesota Rule SW 4 prior to June 18, 1979), and 6 MCAR § 4.9010 A. and B. for repeated failure to contain hazardous wastes and to recover uncontained hazardous wastes.

Minnesota Statute § 115.061 (1980) states:

"115.061 DUTY TO NOTIFY AND AVOID WATER POLLUTION. It is the duty of every person to notify the agency immediately of the discharge, accidental or otherwise, of any substance or material under its control which, if not recovered, may cause pollution of waters of the state, and the responsible person shall recover as rapidly and as thoroughly as possible such substance or material and take immediately such other action as may be reasonably possible to minimize or abate pollution of waters of the state caused thereby."

6 MCAR § 4.8014 (c)(13) states in part:

"No sewage, industrial waste or other wastes shall be discharged into the intrastate waters of the state in such quantity or in such manner alone or in combination with other substances as to cause pollution thereof as defined by law."

6 MCAR § 4.8022 (d)(2), (3), and (4) state:

"(2) No sewage, industrial waste, other waste, or other pollutants shall be allowed to be discharged to the unsaturated zone or deposited in such place, manner or quantity that the effluent or residue therefrom upon reaching the water table, may actually or potentially preclude or limit the use of the underground waters as a potable water supply, nor shall any such discharge or deposit be allowed which may pollute the underground waters. All such possible sources of pollutants shall be monitored at the discharger's expense as directed by the Agency.

"(3) Treatment, safeguards or other control measures shall be provided by the person responsible for any sewage, industrial

waste, other waste, or other pollutants which are to be or have been discharged to the unsaturated zone or deposited there, or which have been discharged to the zone of saturation, to the extent necessary to ensure that the same will not constitute or continue to be a source of pollution of the underground waters or impair the natural quality thereof.

"(4) Toxic pollutants including but not limited to, radioactive substances, chemicals, metals, solvents, petroleum products, plating wastes, and acids and bases, shall not be discharged or deposited in any manner such as to endanger the quality or uses of the underground waters."

6 MCAR § 4.6004 (Minn. Rule SW 4) states in part:

"Solid waste shall not be deposited at any intermediate or final solid waste disposal site in such a manner that material or leachings therefrom may cause pollution of ground or surface waters.

"A person shall make an intermediate or final disposal of any solid waste only at a site or facility for which a permit has been issued by the Agency unless otherwise provided by these regulations."

Minnesota Rule SW 4, prior to June 18, 1979, further provided:

"Disposal of toxic and hazardous wastes shall be in a safe and pollution-free manner and in compliance with the regulations of federal, state and local governments and their regulatory agencies."

6 MCAR § 4.9010 A and B state:

"A. Duty to report. Any person who owns, has possession of, or otherwise has control of a hazardous waste that spills, leaks or otherwise escapes from a container, vehicle tank, storage tank, portable tank or other containment system, including its associated piping, shall immediately notify the agency if the hazardous waste may cause pollution of the air, land, or waters of the State. The person shall use, when applicable, the agency's 24-hour telephone notification service.

B. Duty to recover. Any person who owns, has possession of, or otherwise has control of a hazardous waste that spills, leaks, or otherwise escapes from a container, vehicle tank, storage tank, or other containment system, including its associated piping, shall recover the hazardous wastes as rapidly and as thoroughly

as possible and shall immediately take such other action as may be reasonably possible to protect human life and health and minimize or abate pollution of the water, air or land resources of the state caused thereby."

2. The Company has violated Minnesota Statute 116.081 (1980), Minnesota Rule 6 MCAR § 4.9004 C.5, 6 MCAR § 4.9006 C., and 6 MCAR § 4.9004 C.1. for operating the Shafer Plant without the required hazardous waste facility permit applications being filed with the Agency.

Minnesota Statute 116.081 Subdivision 1 (1980) states in part:

"116.081 PROHIBITIONS. Subdivision 1. Obtain Permit. It shall be unlawful for any person to construct, install or operate an emission facility, air contaminant treatment facility, treatment facility, potential air contaminant storage facility, storage facility, or system or facility related to the collection, transportation, storage, or disposal of solid waste, or any part thereof unless otherwise exempted by any agency regulation now in force or hereinafter adopted, until plans therefor shall have been submitted to the agency, and a written permit therefor shall have been granted by the agency. The requirements of this section shall not be applied to motor vehicles."

6 MCAR § 4.9004 C. 5(d) states in part:

"d. The facility operator shall not dispose of hazardous wastes in a manner that contaminates the soil unless such disposal is authorized in a Hazardous Waste Facility Permit."

6 MCAR § 4.9006 C. states in part:

"Permit required. No person shall do any of the following without obtaining a Hazardous Waste Facility Permit from the agency:

"1. Establish, construct, operate, close or abandon a hazardous waste facility."

6 MCAR § 4.9004 C.1. states in part:

"a. The facility operator shall prepare procedures for personnel to follow in the case of spills of hazardous wastes and in the case of fire and other emergencies.

The facility operator shall post these procedures in a conspicuous place at the facility site.

"b. The facility operator shall have safety equipment available at the facility site for use during spills, fires and other emergencies.

"c. The facility operator shall have available at all times written procedures for handling spills, fires and other emergencies. The facility operator shall train and instruct all personnel at the facility site in these procedures. The facility operator shall maintain records of the training and instruction programs that are held.

"d. The facility operator shall construct and begin operating a site monitoring system that is approved by the agency as adequate to determine the effect of the facility on the soil, ground water and air before accepting or storing any hazardous waste at the facility.

"e. The facility operator shall control access to the facility by the use of fences, gates, locks and other similar methods and allow access only to persons who are knowledgeable in the safety and emergency procedures needed for handling the hazardous waste. The facility operator shall provide security against unauthorized entry onto the site....

"i. The facility operator shall prevent the discharge of hazardous waste from the facility to the surface waters or ground waters of the state. The facility operator shall prevent hazardous waste from entering drains, sewer inlets, storm sewers, sanitary sewers, doorways, vents, tunnels, pipes, windows or areas with permeable earth or soil floors."

B. The Union Scrap Iron and Metal Company Plant #2, located at 1608 Washington Avenue North, operated by the Company since 1971, was noted to have the below listed violations of Minnesota Rules and is a hazardous waste facility.

1. The Company has violated Minnesota Statute 115.061 (1980), Minnesota Rule 6 MCAR § 4.8022 d (2), (3) and (4), 6 MCAR § 4.6004 (Minnesota Rule SW 4), and 6 MCAR § 4.9010 A. and B. for repeated failure to contain hazardous wastes and to report and recover uncontained hazardous wastes.

Minnesota Statute § 115.061 (1980) states:

"115.061 DUTY TO NOTIFY AND AVOID WATER POLLUTION.

It is the duty of every person to notify the agency immediately of the discharge, accidental or otherwise, of any substance or material under its control which, if not recovered, may cause pollution of waters of the state, and the responsible person shall recover as rapidly and as thoroughly as possible such substance or material and take immediately such other action as may be reasonably possible to minimize or abate pollution of waters of the state caused thereby."

6 MCAR § 4.8022 (d)(2), (3), and (4) state:

"(2) No sewage, industrial waste, other waste, or other pollutants shall be allowed to be discharged to the unsaturated zone or deposited in such place, manner or quantity that the effluent or residue therefrom upon reaching the water table, may actually or potentially preclude or limit the use of the underground waters as a potable water supply, nor shall any such discharge or deposit be allowed which may pollute the underground waters. All such possible sources of pollutants shall be monitored at the discharger's expense as directed by the Agency.

"(3) Treatment, safeguards or other control measures shall be provided by the person responsible for any sewage, industrial waste, other waste, or other pollutants which are to be or have been discharged to the unsaturated zone or deposited there, or which have been discharged to the zone of saturation, to the extent necessary to ensure that the same will not constitute or continue to be a source of pollution of the underground waters or impair the natural quality thereof.

"(4) Toxic pollutants including but not limited to, radioactive substances, chemicals, metals, solvents, petroleum products, plating wastes, and acids and bases, shall not be discharged or deposited in any manner such as to endanger the quality or uses of the underground waters."

6 MCAR § 4.6004 (Minn. Rule SW 4) states in part:

"Solid waste shall not be deposited at any intermediate

or final solid waste disposal site in such a manner that material or leachings therefrom may cause pollution of ground or surface waters.

"A person shall make an intermediate or final disposal of any solid waste only at a site or facility for which a permit has been issued by the Agency unless otherwise provided by these regulations."

Minnesota Rule SW 4, prior to June 18, 1979, further provided:

"Disposal of toxic and hazardous wastes shall be in a safe and pollution-free manner and in compliance with the regulations of federal, state and local governments and their regulatory agencies."

6 MCAR § 4.9010 A and B state:

"A. Duty to report. Any person who owns, has possession of, or otherwise has control of a hazardous waste that spills, leaks, or otherwise escapes from a container, vehicle tank, storage tank, portable tank or other containment system, including its associated piping, shall immediately notify the agency if the hazardous waste may cause pollution of the air, land, or waters of the state. The person shall use, when applicable, the agency's 24 hour telephone notification service.

"B. Duty to recover. Any person who owns, has possession of, or otherwise has control of a hazardous waste that spills, leaks, or otherwise escapes from a container, vehicle tank, storage tank, portable tank or other containment system, including its associated piping, shall recover the hazardous waste as rapidly and as thoroughly as possible and shall immediately take such other action as may be reasonably possible to protect human life and health and minimize or abate pollution of the water, air or land resources of the state caused thereby."

2. The Company has violated Minnesota Statute § 116.081

Subdivision 1 (1980) 6 MCAR § 4.9004 C.1.(a,b,c,d,e,h, and i), 6 MCAR § 4.9004 C.3 (c and d), and 6 MCAR § 4.9004 C.5 (d) for improper handling and disposal of hazardous wastes.

Minnesota Statute 116.081 Subdivision 1 (1980) states in part:

"116.081. PROHIBITIONS. Subdivision 1. Obtain permit. It shall be unlawful for any person to construct, install or operate an emission facility, air contaminant treatment facility, treatment facility, potential air contaminant storage facility, storage facility, or system or facility related to the collection, transportation, storage, or disposal of solid waste, or any part thereof unless otherwise exempted by any agency regulation now in force or hereinafter adopted, until plans therefor shall have been submitted to the agency, and a written permit therefor shall have been granted by the agency. The requirements of this section shall not be applied to motor vehicles."

6 MCAR § 4.9004 C.1. states in part:

"C. Hazardous waste facility operation.

1. General. No person shall operate a hazardous waste facility except in conformance with the following requirements:

a. The facility operator shall prepare procedures for personnel to follow in the case of spills of hazardous waste and in the case of fire and other emergencies. The facility operator shall post these procedures in a conspicuous place at the facility site.

b. The facility operator shall have safety equipment available at the facility site for use during spills, fires and other emergencies.

c. The facility operator shall have available at all times written procedures for handling spills, fires and other emergencies. The facility operator shall train and instruct all personnel at the facility site in these procedures. The facility operator shall maintain records on the training and instruction programs that are held.

d. The facility operator shall construct and begin operating a site monitoring system that is approved by the agency as adequate to determine the effect of the facility on the soil, ground water and air before accepting or storing any hazardous waste at the facility.

e. The facility operator shall control access to the facility by the use of fences, gates, locks and other similar methods and allow access only to persons who are knowledgeable in the safety and emergency procedures needed for handling the hazardous waste. The facility operator shall provide security against unauthorized entry onto the site...

h. The facility operator shall not allow scavenging at the facility.

i. The facility operator shall prevent the discharge of hazardous waste from the facility to the surface waters or ground waters of the State. The facility operator shall prevent hazardous waste from entering drains, sewer inlets, storm sewers, sanitary sewers, doorways, vents, tunnels, pipes, windows or areas with permeable earth or soil floors."

6 MCAR § 4.9004 C.3.(c and d) state:

"c. The facility operator shall store hazardous waste in containers and tanks in a manner such that the facility operator can locate any shipment of hazardous waste and any hazardous waste from any particular generator stored on the site.

d. The facility operator shall store hazardous waste in containers and tanks that are located out-of-doors only within a liner and dike system which meets the following requirements:

(1) The liner and dike system shall have a permeability rate no greater than  $10^{-7}$  centimeters per second when being subjected to a head of one foot of water and shall be of a composition that will not increase in permeability as a result of contact with hazardous waste.

(2) The liner and dike system shall be constructed so as to hold a volume equal to the volume of the largest storage tank plus the total capacity of all containers and portable tanks plus one foot of freeboard.

(3) The interface between the dike and underlying liner shall be constructed so as to provide a seal against movement of hazardous waste or solutions thereof.

(4) The dike shall be constructed in a manner that provides necessary ramps for vehicles needing access to the storage areas."

6 MCAR § 4.9004 C.5. (c and d) state:

"c. The facility operator shall not engage in activities that would result in emissions of air contaminants causing the violation of the ambient air quality standards established in APC 1 (6 MCAR § 4.0001).

"d. The facility operator shall not dispose of hazardous waste in a manner that contaminates the soil unless such disposal is authorized in a Hazardous Waste Facility Permit."

6 MCAR § 4.9006 C.1. states:

"No person shall do any of the following without obtaining a Hazardous Waste Facility Permit from the Agency: Establish, construct, operate, close or abandon a hazardous waste facility."

#### REQUIREMENTS

The Agency, therefore requires that the Company accomplish the following requirements of this Notice of Violation.

1. 129 Plymouth Avenue North. Within 30 days of receipt of this Notice, the Company shall negotiate a Stipulation Agreement with the Agency which shall include studies for evaluating the soil, ground water, and surface water impacts resulting from the Company hazardous waste handling and disposal practices at 129 Plymouth Avenue North, Minneapolis, Minnesota. One purpose of the soil and ground water study is to define the extent of

soils which shall require excavation as hazardous wastes. The Company shall, subsequent to initiating Stipulation Agreement required monitoring, complete Director approved soil excavations and sewer clean up.

In addition to conducting an initial assessment of the surface water and ground water impacts resulting from past Company activities, the Stipulation Agreement shall also include a program for monitoring the surface and ground water quality for a period of at least one year following soils excavation of this area. This study shall also identify all nearby public and private wells which may be impacted by the Company's past hazardous waste handling and disposal practices and shall include a discussion as to what measures the Company will take to ensure the safety of these wells if the ground water impact study reveals any well contamination caused by Company activities.

The Company shall submit the ground water study proposal and soils excavation proposal for approval by the Agency Director as required by the Stipulation Agreement time schedule.

The Company shall close this facility site in accordance with applicable state and federal hazardous waste rules.

2. 1608 Washington Avenue North. Within 30 days of receipt of this Notice of Violation, the Company shall negotiate a Stipulation Agreement with the Agency which shall include studies for evaluating the soil and ground water impacts resulting from the Company's hazardous waste handling and disposal practices at 1608 Washington Avenue North, Minneapolis, Minnesota. One purpose of the study is to define the extent of soils which shall require excavation.

In addition to conducting an initial assessment of the ground water impact resulting from current and past Company activities, the Company shall also include a program for monitoring the ground water and surface water quality for a period of at least one year following the clean up and any soil excavations at this facility.

The Company shall submit the ground water study proposal and soils excavation proposal for approval by the Agency Director as required by the Stipulation Agreement time schedule.

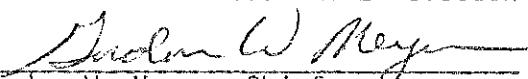
The Company shall make all corrections to bring this facility into compliance with all appropriate municipal, county, state and federal solid and hazardous waste regulations.

THEREFORE, you are hereby given notice that these violations have been recorded by the Agency. This Notice of Violation does not preclude the Agency from taking further action in this matter.

DATED: June 18, 1982

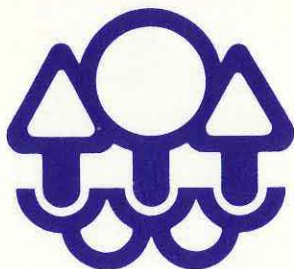
CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

REGULATORY COMPLIANCE SECTION  
SOLID AND HAZARDOUS WASTE DIVISION

  
Gordon W. Meyer, Chief  
Regulatory Compliance Section  
Solid and Hazardous Waste Division

Address for further correspondence:

Minnesota Pollution Control Agency  
Regulatory Compliance Section  
Solid and Hazardous Waste Division  
1935 West County Road B2  
Roseville, Minnesota 55113



# Minnesota Pollution Control Agency

April 13, 1982

RECEIVED  
APR 15 1982  
WASTE MANAGEMENT BRANCH  
EPA, REGION V

Mr. Kenneth Skahn  
Minnesota State Implementation Officer 5WB-TUB  
Hazardous Waste Management Section  
U.S. Environmental Protection Agency  
Region V  
230 South Dearborn Street  
Chicago, Illinois 60604

Dear Mr. Skahn:

Re: Interim Status Standards Inspection

Enclosed for your consideration and possible enforcement action are:

1. RCRA Inspection Report for the above facility.
2. Transmittal letter to Union Scrap Iron and Metal including listing of 40 CFR violations.
3. General inspection observations and comments.
4. Leach testing results for rubber fragments.

Minnesota Pollution Control Agency (Agency) recommendations for follow-up action regarding this facility include:

1. The company shall have to cease hauling of lead battery fragments to 1608 Washington Avenue North site until such time as proper waste pile disposal requirements are satisfied.
2. The company has in effect been disposing of lead contaminated rubber fragments on-site for several years.
3. It is anticipated that the company will negotiate to correct on-site disposal problems with the Agency Strike Force, including clean-up of contaminated soils.

Phone: \_\_\_\_\_

1935 West County Road B2, Roseville, Minnesota 55113-2785

Regional Offices • Duluth/Brainerd/Detroit Lakes/Marshall/Rochester

Equal Opportunity Employer



Mr. Kenneth Skahn  
Page two

4. If the company does not demonstrate a willingness to perform ameliorative measures, then a draft compliance order shall be prepared for the U.S. EPA.
5. The company would not permit photographs or sampling efforts on-site. A warrant may be requested for this purpose from the U.S. EPA in the future.

Should you have any questions, feel free to contact me at 612-297-2731.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce Wilson", with a stylized flourish at the end.

C. Bruce Wilson  
Enforcement Unit  
Regulatory Compliance Section  
Solid and Hazardous Waste Division

CBW:sf

Enclosures

Project I.D. U n Scrap Iron and Metal Compan MNT280010265,  
Minneapolis  
H.W. Activity: TSD, G  
Priority: A  
MPCA Staff: C. Bruce Wilson  
Date of Inspection: March 26, 1982

Statement of Problem: The company has a long history of violations of municipal and state regulations with the first documented difficulties dating back to 1973 for allowing battery acid to run on public sidewalks and streets. Both company operating sites are hazardous waste facilities for the improper handling of battery acids and lead materials.

Enforcement Actions: The MPCA sent a letter on August 14, 1973 to the company requesting corrections of company practices of allowing battery acids to run on the street and sidewalks at the Shafer site. The MPCA sent a similar letter to the company on March 12, 1975. The MWCC sent a letter to the company on April 22, 1975 for noncompliance of their sewer discharges. The MPCA issued a citation for violation to the company on December 20, 1977 for air quality violations from a wire burner at 210 15th Avenue. The city of Minneapolis issued violation tag number 1756565 on January 3, 1979 for acid running down the street at 129 Plymouth Avenue North. The city of Minneapolis issued violation tag number 17548812 to the company on April 3, 1979 for acid and debris in the street at the 16th Avenue yard. The city of Minneapolis issued tag number 1758812 to the company on April 3, 1979 for acid running down the street at 129 Plymouth Avenue North. The city of Minneapolis estimated damage to the storm sewer catch basin at the 129 Plymouth Avenue North site at \$1,311. The MPCA sent the company a preliminary hazardous waste application on November 30, 1979. The city of Minneapolis issued violation tag number 19-068253-3 and 19-068752-2 to the company on February 23, 1981 for encroachment of lead and rubber piles on city property. The MPCA sent a letter to the company on May 20, 1981 defining problem areas and necessary remedial actions and also a request for further data. The MPCA sent a letter to the company on April 22, 1982 requesting information pertaining to Superfund disclosures. The city of Minneapolis issued the company violation tag number 47986-6 on May 20, 1982 for violations at 129 Plymouth Avenue North. The MPCA issued the company a notice of violation on June 22, 1982 for hazardous waste facility violations. Site inspections by the MPCA, MWCC and city of Minneapolis initiated on sewers on July 22, 1982 through August, 1982 to define sanitary and storm sewer damage. A stipulation agreement is being negotiated for the purpose of determining the extent of soil contamination and possible soil excavations necessary to clean the sites (120 North Plymouth Avenue, 1608 Washington Avenue North). Company agrees in general with remedial action plans necessary to clean Shafer site.

The MPCA submitted the draft stipulation agreement to the company on August 28, 1982. The company responded with a revised stipulation agreement on November 2, 1982 which the MPCA revised. The stipulation agreement was again revised by the staff and was sent to the company for review on January 4, 1983. A meeting was held on January 31, 1983 with the company's attorney to negotiate a final draft of the stipulation agreement. Final language revisions will be made and agreement should be reached in May, 1983.

See site response log for further information.

Project I.D. Union Scrap Iron and Metal Company, MNT280010265,  
Minneapolis

H.W. Activity: TSD, G

Priority: A

MPCA Staff: C. Bruce Wilson

Date of Inspection: March 26, 1982

Statement of Problem: The company has a long history of violations of municipal and state regulations with the first documented difficulties dating back to 1973 for allowing battery acid to run on public sidewalks and streets. Both company operating sites are hazardous waste facilities for the improper handling of battery acids and lead materials.

Enforcement Actions: The MPCA sent a letter on August 14, 1973 to the company requesting corrections of company practices of allowing battery acids to run on the street and sidewalks at the Shafer site. The MPCA sent a similar letter to the company on March 12, 1975. The MWCC sent a letter to the company on April 22, 1975 for noncompliance of their sewer discharges. The MPCA issued a citation for violation to the company on December 20, 1977 for air quality violations from a wire burner at 210 15th Avenue. The city of Minneapolis issued violation tag number 1756565 on January 3, 1979 for acid running down the street at 129 Plymouth Avenue North. The city of Minneapolis issued violation tag number 17548812 to the company on April 3, 1979 for acid and debris in the street at the 16th Avenue yard. The city of Minneapolis issued tag number 1758812 to the company on April 3, 1979 for acid running down the street at 129 Plymouth Avenue North. The city of Minneapolis estimated damage to the storm sewer catch basin at the 129 Plymouth Avenue North site at \$1,311. The MPCA sent the company a preliminary hazardous waste application on November 30, 1979. The city of Minneapolis issued violation tag number 19-068253-3 and 19-068752-2 to the company on February 23, 1981 for encroachment of lead and rubber piles on city property. The MPCA sent a letter to the company on May 20, 1981 defining problem areas and necessary remedial actions and also a request for further data. The MPCA sent a letter to the company on April 22, 1982 requesting information pertaining to Superfund disclosures. The city of Minneapolis issued the company violation tag number 47986-6 on May 20, 1982 for violations at 129 Plymouth Avenue North. The MPCA issued the company a notice of violation on June 22, 1982 for hazardous waste facility violations. Site inspections by the MPCA, MWCC and city of Minneapolis initiated on sewers on July 22, 1982 through August, 1982 to define sanitary and storm sewer damage. A stipulation agreement is being negotiated for the purpose of determining the extent of soil contamination and possible soil excavations necessary to clean the sites (120 North Plymouth Avenue, 1608 Washington Avenue North). Company agrees in general with remedial action plans necessary to clean Shafer site.

The MPCA submitted the draft stipulation agreement to the company on August 28, 1982. The company responded with a revised stipulation agreement on November 2, 1982 which the MPCA revised. The stipulation agreement was again revised by the staff and was sent to the company for review on January 4, 1983. Meetings were held on January 31, May 2, May 3, and May 5, 1983 with the company's attorney to negotiate a final draft of the stipulation agreement. Additional information and definition of the company's position was requested by letter on June 1, 1983.

See site response log for further information.

Project I.D.

ion Scrap Iron and Metal Comp , MNT2800.10265,  
Minneapolis

H.W. Activity:

TSD, G

Priority:

A

MPCA Staff:

C. Bruce Wilson

Date of Inspection:

March 26, 1982

Statement of Problem:

The company has a long history of violations of municipal and state regulations with the first documented difficulties dating back to 1973 for allowing battery acid to run on public sidewalks and streets. Both company operating sites are hazardous waste facilities for the improper handling of battery acids and lead materials.

Enforcement Actions:

The MPCA sent a letter on August 14, 1973 to the company requesting corrections of company practices of allowing battery acids to run on the street and sidewalks at the Shafer site. The MPCA sent a similar letter to the company on March 12, 1975. The MWCC sent a letter to the company on April 22, 1975 for noncompliance of their sewer discharges. The MPCA issued a citation for violation to the company on December 20, 1977 for air quality violations from a wire burner at 210 15th Avenue. The city of Minneapolis issued violation tag number 1756565 on January 3, 1979 for acid running down the street at 129 Plymouth Avenue North. The city of Minneapolis issued violation tag number 17548812 to the company on April 3, 1979 for acid and debris in the street at the 16th Avenue yard. The city of Minneapolis issued tag number 1758812 to the company on April 3, 1979 for acid running down the street at 129 Plymouth Avenue North. The city of Minneapolis estimated damage to the storm sewer catch basin at the 129 Plymouth Avenue North site at \$1,311. The MPCA sent the company a preliminary hazardous waste application on November 30, 1979. The city of Minneapolis issued violation tag number 19-068253-3 and 19-068752-2 to the company on February 23, 1981 for encroachment of lead and rubber piles on city property. The MPCA sent a letter to the company on May 20, 1981 defining problem areas and necessary remedial actions and also a request for further data. The MPCA sent a letter to the company on April 22, 1982 requesting information pertaining to Superfund disclosures. The city of Minneapolis issued the company violation tag number 47986-6 on May 20, 1982 for violations at 129 Plymouth Avenue North. The MPCA issued the company a notice of violation on June 22, 1982 for hazardous waste facility violations. Site inspections by the MPCA, MWCC and city of Minneapolis initiated on sewers on July 22, 1982 through August, 1982 to define sanitary and storm sewer damage. A stipulation agreement is being negotiated for the purpose of determining the extent of soil contamination and possible soil excavations necessary to clean the sites (120 North Plymouth Avenue, 1608 Washington Avenue North). Company agrees in general with remedial action plans necessary to clean Shafer site.

The MPCA submitted the draft stipulation agreement to the company on August 28, 1982. The company responded with a revised stipulation agreement on November 2, 1982 which the MPCA revised. The stipulation agreement was again revised by the staff and was sent to the company for review on January 4, 1983. Meetings were held on January 31, May 2, May 3, and May 5, 1983 with the company's attorney to negotiate a final draft of the stipulation agreement. Additional information and definition of the company's position was requested by letter on June 1, 1983.

See site response log for further information.

Project I.D.

Union Scrap Iron and Metal Company, MNT280010265,  
Minneapolis

H.W. Activity:

TSD, G

Priority:

A

MPCA Staff:

Paul Klinge

Date of Inspection:

March 26, 1982

Statement of Problem: This company has two former battery processing sites with a long history of improper material and waste handling and interactions with regulatory agencies. See previous status logs or the file for specifics prior to August, 1982.

Enforcement Actions: Since August, 1982, MPCA staff have been negotiating a stipulation agreement which would result in a study of the Shafer site to determine the extent of contamination. The agreement would also require removal of the rubber fragments and battery scrap and a similar study at the Washington Avenue site.

A deadline of August, 1983 has been established to reach agreement, therefore, the staff will be appearing before the MPCA Board to request either approval of a signed stipulation agreement or litigation authority.

10/83  
Project I.D.

Union Scrap Iron and Metal Company, ~~MNT280010265~~,  
Minneapolis

H.W. Activity:

TSD, G

Priority:

A

MPCA Staff:

Paul Klinge

Date of Inspection:

March 26, 1982

Statement of Problem: This company has two former battery processing sites with a long history of improper material and waste handling and interactions with regulatory agencies. See previous status logs or the file for specifics prior to August, 1982.

Enforcement Actions: Since August, 1982, MPCA staff have been negotiating a stipulation agreement which would result in a study of the Shafer site to determine the extent of contamination. The agreement would also require removal of the rubber fragments and battery scrap and a similar study at the Washington Avenue site.

A deadline of August, 1983 has been established to reach agreement, therefore, the staff will be appearing before the MPCA Board to request either approval of a signed stipulation agreement or litigation authority.

The company finally signed a Stipulation Agreement which commits the company to soil and ground water studies at both their Shafer and Washington Avenue sites. The Stipulation Agreement was approved by the MPCA Board on August 23, 1983.

The company submitted a proposal dated September 27, 1983 for evaluating soil and ground water contamination at their Shafer and Washington Avenue sites. This proposal is presently being reviewed by MPCA staff.

MNT280010265

RCRA INSPECTION REPORT - INTERIM STATUS STANDARDS  
TREATMENT, STORAGE, AND DISPOSAL FACILITIES  
Form A - General Facility StandardsI. General Information:

- (A) Facility Name: UNION SCRAP IRON & METAL COMPANY
- (B) Street: 208 - 10 15th AVE. N. / 1608 WASH. AVE. N.
- (C) City: MINNEAPOLIS (D) State: MIN (E) Zip Code: 55411
- (F) Phone: 612-522-4471 (G) County: HENNEPIN
- (H) Operator: RICHARD ROSEN GENERAL MANAGER
- (I) Street: 208 15th Ave N
- (J) City: MINNEAPOLIS (K) State: MIN (L) Zip Code: 55411
- (M) Phone: 612-522-4471 (N) County: HENNEPIN
- (O) Owner: SOL H. ROSEN
- (P) Street: SAME AS ABOVE
- (Q) City: \_\_\_\_\_ (R) State: \_\_\_\_\_ (S) Zip Code: \_\_\_\_\_
- (T) Phone: \_\_\_\_\_ (U) County: \_\_\_\_\_
- (V) Date of Inspection: 3/26/82 (W) Time of Inspection (From) 1:45 (To) 5:45
- (X) Weather Conditions: OVERCAST, 32°F, WINDY

SOIL BORINGS MADE 4 AT SCHAEFER

(Y) Person(s) Interviewed

Title

Telephone

Richard Rosen

General Manager

612-522-4471

(Z) Inspection Participants

Agency/Title

Telephone

Bruce Wilson

MPHA / PCS

612-297-2731

Doug Day

MPHA / PCS

612-297-3351

(AA) Preparer Information

Name

Agency/Title

Telephone

Bruce Wilson

MPHA / PCS

612-297-2731

II. SITE ACTIVITY:

Complete sections I through VII for all treatment, storage, and/or disposal facilities. Complete the forms (in parenthesis) in section VIII corresponding to the site activities identified below:

A. Storage and/or Treatment

1. Containers (I)
2. Tanks (J)
3. Surface Impoundments (K)
4. Waste Piles (L)

D. Incineration and/or Thermal Treatment  
(O and P)

E. Chemical, Physical, and Biological  
Treatment (Q)

B. Land Treatment (M)

C. Landfills (N)

Note: If facility is also a generator or transporter of hazardous waste complete sections IX and X of this form as appropriate.

**III. GENERAL FACILITY STANDARDS:**  
(Part 265 Subpart B)

	Yes	No	NI*	Remark
<b>(A) Has the Regional Administrator been notified regarding:</b>				
1. Receipt of hazardous waste from a foreign source?	—	<del>X</del>	—	—
2. Facility expansion?	—	<del>X</del>	—	Can Accept Batteries From CANADA.
<b>(B) General Waste Analysis:</b>				
1. Has the owner or operator obtained a detailed chemical and physical analysis of the waste?	<u>X</u>	—	—	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> Pb = 460ppm    Hg = .007  Cd = 0.2       As = .00  Cr = .01  RUBBER MATERIAL NOT RECYCLED  PLASTICS BEING RECYCLED </div>
2. Does the owner or operator have a detailed waste analysis plan on file at the facility?	<u>X</u>	—	—	—
3. Does the waste analysis plan specify procedures for inspection and analysis of each movement of hazardous waste from off-site?	<u>X</u>	—	—	<del>_____ Co</del>
<b>(C) Security - Do security measures include: (if applicable)</b>				
1. 24-Hour surveillance?	<u>N/A</u>	—	—	—
2. Artificial or natural barrier around facility?	—	<u>X</u>	—	—
3. Controlled entry?	—	<u>X</u>	—	—
4. Danger sign(s) at entrance?	<del>—</del>	<u>X</u>	—	—
<b>(D) Do Owner or Operator Inspections Include:</b>				
1. Records of malfunctions?	<u>X</u>	—	—	—
2. Records of operator error?	<u>X</u>	—	—	—
3. Records of discharges?	—	<u>X</u>	—	—

\*Not Inspected

### III. GENERAL FACILITY STANDARDS - Continued

	Yes	No	NI*	Remarks
4. Inspection schedule?	<u>---</u>	<u>X</u>	<u>---</u>	<u>-----</u>
5. Safety, emergency equipment?	<u>X</u>	<u>---</u>	<u>---</u>	<u>-----</u>
6. Security devices?	<u>X</u>	<u>---</u>	<u>---</u>	<u>-----</u>
7. Operating and structural devices?	<u>---</u>	<u>X</u>	<u>---</u>	<u>-----</u>
8. Inspection log?	<u>---</u>	<u>X</u>	<u>---</u>	<u>-----</u>
 (E) Do personnel training records include: (Effective 5/19/81)				
1. Job titles?	<u>X</u>	<u>---</u>	<u>---</u>	<u>-----</u>
2. Job descriptions?	<u>X</u>	<u>---</u>	<u>---</u>	<u>-----</u>
3. Description of training?	<u>---</u>	<u>X</u>	<u>---</u>	<u>-----</u>
4. Records of training?	<u>X</u>	<u>---</u>	<u>---</u>	<u>-----</u>
5. Have facility personnel received required training by 5-19-81?	<u>X</u>	<u>---</u>	<u>---</u>	<u>-----</u>
6. Do new personnel receive required training within six months?	<u>X</u>	<u>---</u>	<u>---</u>	<u>-----</u>
 (F) If required are the following special requirements for ignitable, reactive, or incompatible wastes addressed?				
1. Special handling?	<u>X</u>	<u>---</u>	<u>---</u>	<u>-----</u>
2. No smoking signs?	<u>X</u>	<u>---</u>	<u>---</u>	<u>-----</u>
3. Separation and protection from ignition sources?	<u>---</u>	<u>---</u>	<u>---</u>	<u>-----</u>

\*Not Inspected

IV. PREPAREDNESS AND PREVENTION:  
(Part 265 Subpart C)

(A) Maintenance and Operation  
of Facility:

Is there any evidence of fire,  
explosion, or release of  
hazardous waste or hazardous  
waste constituent?

Yes No NI\* Remarks

X — — NO PHOTOGRAPHS ALLOWED

(B) If required, does the facility  
have the following equipment:

1. Internal communications or  
alarm systems?

X — —

2. Telephone or 2-way radios  
at the scene of operations?

X — —

3. Portable fire extinguishers,  
fire control, spill control  
equipment and decontamination  
equipment?

X — —

Indicate the volume of water and/or foam available for fire control:

UNKNOWN

(C) Testing and Maintenance of  
Emergency Equipment:

1. Has the owner or operator  
established testing and  
maintenance procedures  
for emergency equipment?

X — —

2. Is emergency equipment  
maintained in operable  
conditions?

X — —

(D) Has owner or operator provided  
immediate access to internal  
alarms? (if needed)

X — —

\*Not Inspected

- (E) Is there adequate aisle space for unobstructed movement?

N/A

V. CONTINGENCY PLAN AND EMERGENCY PROCEDURES:  
(Part 265 Subpart D)

- (A) Does the Contingency Plan contain the following information:

Yes No NI\* Remarks

1. The actions facility personnel must take to comply with §265.51 and 265.56 in response to fires, explosions, or any unplanned release of hazardous waste? (If the owner has a Spill Prevention, Control, and Countermeasures (SPCC) Plan, he needs only to amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with the requirements of this Part (as applicable.)

N

X

2. Arrangements agreed by local police departments, fire departments hospitals, contractors, and State and local emergency response teams to coordinate emergency services pursuant to §265.37?

X

3. Names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinators?

X

4. A list of all emergency equipment at the facility which includes the location and physical description of each item on the list and a brief outline of its capabilities?

X

5. An evacuation plan for facility personnel where there is a possibility that evacuation could be necessary? (This plan must describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes?)

X

\*Not Inspected

	Yes	No	NI*	Remarks
(C) Are copies of the Contingency Plan available at site and local emergency organizations?		<input checked="" type="checkbox"/>		
(C) Emergency Coordinator				
1. Is the facility Emergency Coordinator identified?		<input checked="" type="checkbox"/>		
2. Is coordinator familiar with all aspects of site operation and emergency procedures?	<input checked="" type="checkbox"/>			
3. Does the Emergency Coordinator have the authority to carry out the Contingency Plan?	<input checked="" type="checkbox"/>			
(D) Emergency Procedures				
If an emergency situation has occurred at this facility, has the Emergency Coordinator followed the emergency procedures listed in 265.56?				

# VI. MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING (Part 265 Subpart E)

	Yes	No	NI*	Remarks
(A) Use of Manifest System				
1. Does the facility follow the procedures listed in §265.71 for processing each manifest?		<input checked="" type="checkbox"/>		CONTAINER SERVICES, INC SARITP
2. Are records of past shipments retained for 3 years?		<input checked="" type="checkbox"/>		
(B) Does the owner or operator meet requirements regarding manifest discrepancies?		<input checked="" type="checkbox"/>		NO WASTES SENT TO LANDFILL W/O MANIFEST - NOTIFICATION UNDER SUPERFUND.

amt Inspected

504 690 mm — 950 136 7  
PH 7.5 — 8.4 (36')

9/10 SUPERFUND.

## (C) Operating Record

1. Does the owner or operator maintain an operating record as required in 265.73?

  X  

2. Does the operating record contain the following information:

\*\*b. The method(s) and date(s) of each waste's treatment, storage, or disposal as required in Appendix I?

  X  

c. The location and quantity of each hazardous waste within the facility?

  X  

**MAY NOT BE  
APPROPRIATE IN THIS  
INSTANCE.**

\*\*\*d. A map or diagram of each cell or disposal area showing the location and quantity of each hazardous waste? (This information should be cross-referenced to specific manifest number, if waste was accompanied by a manifest.)

e. Records and results of all waste analyses, trial tests, monitoring data, and operator inspections?

f. Reports detailing all incidents that required implementation of the Contingency Plan?

g. All closure and post closure costs as applicable? (Effective 5-19-81)

\*\* See page 33252 of the May 19, 1980, Federal Register.

\*\*\* Only applies to disposal facilities

V , CLOSURE AND POST CLOSURE  
(Part 265 Subpart G)

	Yes	No	NI*	Remarks
<b>(A) Closure and Post Closure</b>				
1. Is the facility closure plan available for inspection by May 19, 1981?		X		
2. Has this plan been submitted to the Regional Administrator		X		
3. Has closure begun?		X		
4. Is closure estimate available by May 19, 1981?		X		
<b>(B) Post closure care and use of property</b>				
Has the owner or operator supplied a post closure monitoring plan? (effective by May 19, 1981)		NA		

VIII. FACILITY STANDARDS  
(Part 265, Subparts I thru R)

I  
**USE AND MANAGEMENT OF CONTAINERS**

Facility Name: \_\_\_\_\_ Date of Inspection: \_\_\_\_\_

	Yes	No	NI*	Remarks
1. Are containers in good condition?				
2. Are containers compatible with waste in them?				
3. Are containers stored closed?				
4. Are containers managed to prevent leaks?				
5. Are containers inspected weekly for leaks and defects?				
6. Are ignitable & reactive wastes stored at least 15 meters (50 feet) from the facility property line? (Indicate if waste is ignitable or reactive.)				

	Yes	No	NI*	Remarks
7. Are incompatible wastes stored in separate containers? (If not, the provisions of 40 CFR 265.17(b) apply.)	---	---	---	-----
8. Are containers of incompatible waste separated or protected from each other by physical barriers or sufficient distance?	---	---	---	-----

J  
TANKS

Facility Name: \_\_\_\_\_

Date of Inspection: \_\_\_\_\_

1. Are tanks used to store only those wastes which will not cause corrosion, leakage or premature failure of the tank?	---	---	---	-----
2. Do uncovered tanks have at least 60 cm (2 feet) of freeboard, or dikes or other containment structures?	---	---	---	-----
3. Do continuous feed systems have a waste-feed cutoff?	---	---	---	-----
4. Are waste analyses done before the tanks are used to store a substantially different waste than before?	---	---	---	-----
5. Are required daily and weekly inspections done?	---	---	---	-----
6. Are reactive & ignitable wastes in tanks protected or rendered non-reactive or non-ignitable? Indicate if waste is ignitable or reactive. (If waste is rendered non-reactive or non-ignitable, see treatment requirements.)	---	---	---	-----
7. Are incompatible wastes stored in separate tanks? (If not, the provisions of 40 CFR 265.17(b) apply.)	---	---	---	-----

\*Not Inspected

8. Has the owner or operator observed the National Fire Protection Association's buffer zone requirements for tanks containing ignitable or reactive wastes?

Tank capacity: \_\_\_\_\_ gallons

Tank diameter: \_\_\_\_\_ feet

Distance of tank from property line \_\_\_\_\_ feet

(See table 2 - 1 through 2 - 6 of NFPA's "Flammable and Combustible Liquids Code - 1977" to determine compliance.)

K  
SURFACE IMPOUNDMENTS

Facility Name: \_\_\_\_\_

Date of Inspection: \_\_\_\_\_

- |  |      |      |      |       |
|--|------|------|------|-------|
| 1. Do surface impoundments have at least 60 cm (2 feet) of freeboard?  | ____ | ____ | ____ | _____ |
| 2. Do earthen dikes have protective covers?  | ____ | ____ | ____ | _____ |
| 3. Are waste analyses done when the impoundment is used to store a substantially different waste than before?  | ____ | ____ | ____ | _____ |
| 4. Is the freeboard level inspected at least daily?  | ____ | ____ | ____ | _____ |
| 5. Are the dikes inspected weekly for evidence of leaks or deterioration?  | ____ | ____ | ____ | _____ |
| 6. Are reactive & ignitable wastes rendered non-reactive or non-ignitable before storage in a surface impoundment? (If waste is rendered non-reactive or non-ignitable, see treatment requirements.) | ____ | ____ | ____ | _____ |
| 7. Are incompatible wastes stored in different impoundments? (If not, the provisions of 40 CFR 265.17(b) apply.)   | ____ | ____ | ____ | _____ |

L

## WASTE PILES

Facility Name: \_\_\_\_\_

Date of Inspection: \_\_\_\_\_

	Yes	No	NI*	Remarks
1. Are waste piles covered or protected from dispersal by wind?	---	<u>X</u>	---	-----
2. Is each in-coming movement of waste analyzed before being added to the waste pile?	---	<u>X</u>	---	-----
3. Are leachate, run-off, and run-on controlled as per the requirements of 265.258? (The effective date of this provision is Nov. 19, 1981.)	---	<u>X</u>	---	-----
4. Are reactive & ignitable wastes rendered non-reactive or non-ignitable before storage in a pile? Indicate if waste is ignitable or reactive. (If waste is rendered non-reactive or non-ignitable, see treatment requirements.)	---	<u>N/A</u>	---	-----
5. Are piles of reactive or ignitable waste protected from materials or conditions that might cause them to ignite or react?	---	<u>N/A</u>	---	-----
6. Are incompatible wastes stored in different piles? (If not, the provisions of 40 CFR 265.17(b) apply.)	---	<u>N/A</u>	---	-----
7. Are piles of incompatible waste protected by barriers or distance from other waste?	---	<u>N/A</u>	---	-----

\*Not Inspected

M  
LAND TREATMENT

MAY NOT BE APPLICABLE

Facility Name: \_\_\_\_\_

Date of Inspection: \_\_\_\_\_

1. Is treated hazardous waste capable of biological or chemical degradation?  
\_\_\_\_\_
2. Are run-off and run-on diverted from the facility or collected? (Effective date: November 19, 1981)?  
\_\_\_\_\_
3. Is waste analyzed according to 265.273?  
\_\_\_\_\_
4. If food chain crops are grown at the facility, has the owner or operator addressed the requirements of 265.276?  
\_\_\_\_\_
5. Is an unsaturated zone monitoring plan designed and implemented to detect the vertical migration of hazardous waste and provide information on the background concentrations of the hazardous waste available?  
\_\_\_\_\_
6. Does the unsaturated zone monitoring plan address the minimum information specified in 265.278?  
\_\_\_\_\_
7. Are records kept regarding application dates and rates, quantities, and locations, of all hazardous waste placed in the facility?  
\_\_\_\_\_
8. Are the special requirements fulfilled regarding land treatment of ignitable or reactive wastes? (Indicate if waste is ignitable or reactive.)  
\_\_\_\_\_
9. Are incompatible wastes land treated? (If yes, 265.17(b) applies)  
\_\_\_\_\_

**MAY NOT  
BE REOPENED**  
N  
ANDFILLS

Facility Name: \_\_\_\_\_

Date of Inspection: \_\_\_\_\_

Yes No NI\* Remarks

(A) General Operating Requirements  
Does the facility provide the following:

- |   |     |          |     |       |
|---|-----|----------|-----|-------|
| **1. Diversion of run-on away from active portions of the fill? | --- | <u>X</u> | --- | _____ |
| **2. Collection of run-off from active portions of the fill?    | --- | <u>X</u> | --- | _____ |
| **3. Is collected run off treated?                              | --- | <u>X</u> | --- | _____ |
| 4. Control of wind dispersal of hazardous waste?                | --- | <u>X</u> | --- | _____ |
- (\*\*Effective 11-19-81)

(B) Surveying and Recordkeeping  
Does the Operating Record Include:

- |   |     |          |     |       |
|---|-----|----------|-----|-------|
| 1. A map showing the exact location and dimensions of each cell?                              | --- | <u>X</u> | --- | _____ |
| 2. The contents of each cell and the location of each hazardous waste type withing each cell? | --- | <u>X</u> | --- | _____ |

(C) Closure and Post-Closure

- |  |     |          |     |       |
|--|-----|----------|-----|-------|
| 1. Is the Closure Plan available for inspection by 5-19-81?    | --- | <u>X</u> | --- | _____ |
| 2. Has this plan been submitted to the Regional Administrator? | --- | <u>X</u> | --- | _____ |
| 3. Has closure begun?  | --- | <u>X</u> | --- | _____ |
| 4. Is closure cost estimate available by 5-19-81?              | --- | <u>X</u> | --- | _____ |

(D) Special requirements for ignitable or reactive waste

Are ignitable or reactive waste treated so the resulting mixture is no longer ignitable or reactive?

NA \_\_\_\_\_

	Yes	No	NI*	Remarks
(If waste is rendered non-reactive or non-ignitable see treatment requirements)				
If not, the provisions of 40 CFR 265.17(b) apply.			NA	
(E) Special Requirements for Incompatible Wastes.				
Does the owner or operator dispose of incompatible wastes in separate cells?			NA	
If not, the provisions of 40 CFR 265.17(b) apply.				
(F) Special requirements for liquid waste (effective 11-19-81)				
1. Are bulk or non-containerized liquids placed in the landfill?			NA	
2. Does the landfill have a chemically and physically resistant liner system?				
3. Does the landfill have a functional leachate collection system?				
4. Are free liquids stabilized prior to or immediately after placement in the landfill?				
(G) Special requirements for Containers (effective 11-19-81)				
Are empty containers crushed flat, shredded, or similarly reduced in volume before being buried beneath the surface of the landfill?			NA	

\*Not Inspected

O and P  
INCINERATION and THERMAL TREATMENT

(A) Facility Name: \_\_\_\_\_

(B) Date of Inspection: \_\_\_\_\_

I. Determination of Steady State

A. Type of unit (i.e., type of incinerator or thermal treatment): \_\_\_\_\_

B. Components and steady state condition:

\*\*\*\* Was this component at SS prior to adding waste?

Component

Yes

No

NI\*

Remarks

1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

II. Waste Analysis

A. Minimum requirements, for wastes not previously burned/treated.

1. Required analyses; has an analysis been performed for the following?

Yes

No

NI\*

Remarks

a. Heating value

\_\_\_\_\_

b. Halogen content

\_\_\_\_\_

c. Sulfur content

\_\_\_\_\_

\*Not Inspected

2. Has documented or written data been substituted for analysis of either:

a. Lead? \_\_\_\_\_

b. Mercury? \_\_\_\_\_

- B. List other parameters for which the waste is tested to enable owner or operator to establish steady state or determine the types of pollutants which may be emitted. (Note in Remarks any which you feel should be tested.)

Remarks

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### III. Monitoring and Inspections

	Yes	No	NI*	Remarks
A. Are combustion/emission control instruments monitored at least every 15 minutes?	_____	_____	_____	_____
B. Is steady state maintained or corrections attempted?	_____	_____	_____	_____
C. Is stack plume observed at least hourly for normal color and opacity?	_____	_____	_____	_____
D. Did any stack observations made by owner or operator show a plume different than normal?**	_____	_____	_____	_____
E. If yes to D above, were corrections made to return emissions to normal appearance?**	_____	_____	_____	_____
F. Are the complete unit and associated equipment inspected daily for leaks, spills, and fugitive emissions?	_____	_____	_____	_____
G. Are emergency shutdown controls and system alarms checked daily for proper operation?	_____	_____	_____	_____

\*Not Inspected

\*\*Specify in Remarks for what period of time this was checked.

#### IV. Open Burning

A. Only complete this part if the facility open burns hazardous waste.

	Yes	No	NI*	Remarks
1. Does this facility burn <u>only</u> waste explosives? (A <u>No</u> answer means <u>other</u> hazardous waste is open-burned.)	—	—	—	
2. If this facility open-burns waste explosives, does it burn the waste at a distance greater than or equal to the minimum specified distance (below)	—	—	—	

Pounds of waste explosives or propellants	Minimum distance from open burning or detonation to the property of others
0 to 100.....	204 m      670 ft
101 to 1,000.....	380 m      1,250 ft
1,001 to 10,000.....	530 m      1,730 ft
10,001 to 30,000.....	690 m      2,260 ft

Q  
CHEMICAL, PHYSICAL and ~~BIOLOGICAL~~ TREATMENT

Facility Name: \_\_\_\_\_

Date of Inspection: \_\_\_\_\_

	Yes	No	NI*	Remarks
1. Is equipment used to treat only those wastes which will not cause leakage, corrosion, or premature failure?	—	—	—	
2. Is a continuously fed system equipped with a means of hazardous waste inflow stoppage or control (e.g., cut-off system?)	—	—	—	

	Yes	No	NI*	Remarks
3. Name and EPA ID Number of Transporter(s)?	X	—	—	_____
4. Name, address, and EPA ID Number of Designated permitted facility and alternate facility?	X	—	—	_____
5. The description of the waste(s) (DOT shipping name, DOT hazard class, DOT identification number)?	X	—	—	_____
6. The total quantity of waste(s) and the type and number of containers loaded?	X	—	—	_____
7. Required certification?	X	—	—	_____
8. Required signatures?	X	—	—	_____
(C) Does the owner or operator submit exception reports when needed?	—	X	—	<b>SANITARY WASTES TO LANDFILLS NOTIFICATION SUBMITTED UNDER SUPERFUND.</b>

## 2. PRE-TRANSPORT REQUIREMENTS

(A) Is waste packaged in accordance with DOT Regulations? (Required prior to movement of hazardous waste off-site)	X	—	—	_____
(B) Are waste packages marked and labeled in accordance with DOT regulations concerning hazardous waste materials? (Required to movement of hazardous waste off-site)	X	—	—	_____
(C) If required, are placards available to transporters of hazardous waste?	X	—	—	_____

	Yes	No	NI*	Remarks
3. Has the owner or operator addressed the waste analysis requirements of 265.402?	—	—	—	—
4. Are inspection procedures followed according to 265.403?	—	—	—	—
5. Are the special requirements fulfilled for ignitable or reactive wastes?	—	—	—	—
6. Are incompatible wastes treated? (If yes, 265.17(b) applies.)	—	—	—	—

Note: EPA has temporarily suspended the applicability of the requirements of the hazardous waste regulations in 40 CFR Parts 122, 264 and 265 to owners and operators of (1) wastewater treatment tanks that receive, store, and treat wastewaters that are hazardous waste or that generate, store or treat a wastewater treatment sludge which is a hazardous waste where such wastewaters are subject to regulation under Sections 402 or 307(b) of the Clean Water Act (33 U.S.C. 1251 et seq.) and (2) neutralization tanks, transport vehicles, vessels, or containers which neutralize wastes which are hazardous only because they exhibit the corrosivity characteristic under 40 CFR §261.22, or are listed as hazardous wastes in Subpart D of 40 CFR Part 261 only for this reason.

#### IX

Complete this section if the owner or operator of a TSD facility also generates hazardous waste that is subsequently shipped off-site for treatment, storage, or disposal.

#### 1. MANIFEST REQUIREMENTS

	Yes	No	NI*	Remarks
(A) Does the operator have copies of the manifest available for review?	<u>X</u>	—	—	—
(B) Do the manifest forms reviewed contain the following information: (If possible, make copies of, or record information from, manifest(s) that do not contain the critical elements)				
1. Manifest document number?	<u>X</u>	—	—	—
2. Name, mailing address, telephone number, and EPA ID Number of Generator	<u>X</u>	—	—	—

Please Fill Out  
In Triplicate

## SPECIAL SAMPLE DATA SHEET

Page      of     Collected by Dick KableMDH Coordinator Jean KahilainenDate Collected 4-11-80Expected Compl. Date 4-23-80Report to Dick KableDate Rec'd By Lab 4-11-80Program Element # MPCA 24Lab. Sample # 124507

## SPECIAL SAMPLE DESCRIPTION:

     Water      Sediment      Sludge      Fish      Rubber waste      Other  
(Specify)

SAMPLE NO.	FIELD NO.	SAMPLING POINT OR SOURCE	TYPE OF BOTTLES REC'D**	Tot. No. EACH
a. 124507	U.B.-1	Union Battery, Plant #2 16th and Wash., Mpls.	metals	1
b.				
c.				
d.				
e.				
f.				

## SPECIAL SAMPLE

ANALYSES REQUESTED: \* As, Cd, Cr, Cu, Pb, Zn and Hg (FAAS)

COMPLETED

JUL 18 1980

: ☐ OTHER ANALYSES REQUESTED ALSO AND WILL BE REPORTED SEPARATELY FROM SPECIAL SAMPLE ANALYSES

## SPECIAL INSTRUCTIONS AND COMMENTS:

24 hour acid leach and distilled water leach

## RESULTS:

See attached for data.

Page      of     

Collected by Dick Kable

MDH Coordinator Jean Kahilainen

Date Collected 4-9-80

Expected Compl. Date 4-23-80

Report to Dick Kable

Date Rec'd By Lab 4-9-80

Program Element # MPCA 24

Lab. Sample # 124506

SPECIAL SAMPLE DESCRIPTION:

     Water      Sediment      Sludge      Fish      rubber scrapings      Other  
(Specify)

SAMPLE NO.	FIELD NO.	SAMPLING POINT OR SOURCE	TYPE OF BOTTLES REC'D**	Tot. No. EACH
a. 124506	U.B.-1	Union Battery, Wash plant 16th and Washington, Mpls.	metals	1
b.				
c.				
d.				
e.				
f.				

SPECIAL SAMPLE

ANALYSES REQUESTED: \* As, Cd, Cr, Cu, Pb, Zn and Hg (FAAS)

COMPLETED

JUL 18 1980

YTICAL SERV"

:: ☐ OTHER ANALYSES REQUESTED ALSO AND WILL BE REPORTED SEPARATELY FROM SPECIAL SAMP. ANALYSES

SPECIAL INSTRUCTIONS AND COMMENTS:

24 hour acid leach and distilled water leach

RESULTS:

See attached for data.

Results: concentrations ( $\mu\text{g/l}$ )

	<u>Acid Leach</u>		<u>Water Leach</u>		<u>Water</u>
	<u>124506</u>	<u>124507</u>	<u>124506</u>	<u>124507</u>	<u>124507</u>
As	240	40	< 1.0	< 1.0	1.8
Cd	900	40	2.7	3.6	6.1
Cr	42	61	< 0.5	< 0.5	< 0.5
Cu	11,000	720	2.0	6.0	16.
Pb	2,100,000	900,000	2300	5400	4000
Hg	< 0.1	< 0.1	< 0.1	< 0.1	< 0.1
Zn	4,000	6,800	36	76	81

Acid Leach Solution - acetic acid + sodium acetate  
pH 4.37

97 g sample / 200ml acid solution

Water Leach # 97 g sample / 200ml  $\text{H}_2\text{O}$

124507 - This sample contained about 150 ml of water, when it was received by the laboratory. Since this water acted as a leach, it was poured off, filtered and analyzed.